

A Commentary on Zād al-Mustaqni'

Imām al-Ḥajjāwī's (d.968 H.) Classical Guide to the *Ḥanbalī Madhhab*



Shaykh Ṣāliḥ ibn Fawzān al-Fawzān



"The house of al-Arqam is the house of Islam"

Al-Hakim (d. 403 H.) in *al-Mustadrak 'Ala al-Sahihayn* (6185)

A Commentary on

Zād al-Mustaqni’

Imām al-Hajjāwi's (d.968 H.) Classical Guide
to the *Hanbalī Madhab*



Shaykh Ṣāliḥ ibn Fawzān al-Fawzān

ISBN: 09928136 5 9

British Library Cataloguing in Publishing Data
A catalogue record for this book is available from the British Library

Second edition, 2018

Prepared and published by Dar al-Arqam Publishing
Birmingham, United Kingdom

www.daralarqam.bigcartel.com
Email: daralarqam@hotmail.co.uk

Translated by Abu Umair
Edited by A. F. Karim

Printed in Turkey by Mega | export@mega.com

A Commentary on Zād al-Mustaqni’

By Shaykh Sālih ibn Fawzān

[A translation of the first two volumes of his work: *Sharh al-Mukhtasar ‘alā Matn Zād al-Mustaqni’*. A commentary on the classical guide to the Hanbalī *madhab* by Imām Mūsā al-Hajjāwī. Included herein is the Book of Worship, the Book of Jihād and the Book of Food.]



Contents

Volume one

Publisher's Note

Praise be to Allah, Lord of the worlds. Peace and blessings upon our Prophet Muhammad, his family and companions.

It is highly beneficial for the one studying *fiqh* to have a basic understanding of the principles and terminology used in the science. Due to this reason it was decided to add, as an appendix, the brief treatise of Shaykh 'Abdul Rahman al-Sa'dī entitled *Risālat Latīfatun Jāmi'atun fī Usūl al-Fiqh al-Muhima*.

We advise the reader to especially familiarise himself with the five *ahkām* as they are mentioned frequently in the main body of this book.

The Arabic word *mīm-ta-nūn* (*matn*), placed as a margin note, has been used to identify the text of *Zād al-Mustaqni'* so as to differentiate it from the commentary.

If during the study of this book the reader feels that there is a matter requiring feedback or if any mistakes or typos are noted, we request that we be informed via email.

A second volume is in the process of being prepared which will complete the final third of the commentary, covering the remaining portion of *Zād al-Mustaqni'* i.e. from the Book of Trade until the Book of Acknowledgements.

Lastly, we pray that this book is of benefit to us and becomes a valuable tool in the learning of the religion.

مقدمة التبع

AUTHOR'S FOREWORD

Praise be to Allah, Lord of the worlds. Peace and blessings upon our Prophet Muhammad, his family and companions.

This is a short commentary upon the book *Zād al-Mustaqnī' Mukhtasar al-Muqni'* that I have done to the best of my ability. I have simplified it in a manner that makes it suitable for the beginner student of knowledge. I delivered a series of lectures commenting on this book via the means of radio transmission in Saudi Arabia, thereafter it was requested that this be compiled into book form so that it may be further spread and utilised, by the Will of Allah. I ask Allah that He aids in the completion of this project and that it becomes a source of benefit for people, such modest effort notwithstanding. Whoever seeks a more comprehensive commentary should read *al-Rawd al-Murbi'*.

May the peace and blessings of Allah be upon our Prophet, his family and companions.

Sālih ibn Fawzān ibn 'Abdullāh al-Fawzān

مقدمة الشرح
AUTHOR'S INTRODUCTION

Praise be to Allah. Peace and blessings of Allah be upon our Prophet Muhammad, his family and his companions. Verily the knowledge of the religion of Allah is an obligation of utmost importance. Indeed man cannot accomplish that which has been prescribed to him without it nor can he avoid that which is forbidden. He draws closer to Allah with this knowledge and understanding.

Performing acts of worship without knowledge is waywardness and a curse upon the doer. It is a must that acts of worship be based upon authentic knowledge and the understanding of Allah's religion. Allah ﷻ says in the Qur'ān: **{And it is not for the believers to go forth [to battle] all at once. For there should separate from every division of them a group [remaining] to obtain understanding in the religion and warn their people when they return to them that they might be cautious.}**[1]

The Prophet ﷺ said: "Whosoever Allah wants good for, He will bestow upon him the knowledge of the *dīn*."[2] This is evidence that gaining the knowledge of *dīn* is a mandatory requirement. Allah urges this saying: **{For they should separate from every division of them a group [remaining] to obtain understanding in the religion.}**[3]

1 Tawbah:122

2 Narrated by al-Bukhārī (1/27), (4/103), 125/9), and Muslim (3/125) from the hadīth of Mu'āwiyah ibn Abī Sufyān ﷺ.

3 Tawbah:122

"Law lā": Meaning to urge.

"Tā'ifah": From every community, for all men cannot embark on gaining knowledge. Only some of them can. The word *tā'ifah* denotes both few and many.

"Nafarah": This means that he sets out to gain knowledge of Allah's *dīn*, to wherever it is found. The seekers of knowledge will travel far and wide in their quest for knowledge.

"Li yatafaqqahu fiddīn": I.e. to understand. *Fiqh*, linguistically means comprehension.[4] As for the meaning of it in the Islamic context: it is to understand the laws of Islam, substantiated with detailed proofs[5] from the Qur'ān, Sunnah, consensus and correct analogy. *Fiqh* is based on evidences which are derived from:

1. The Book of Allah, the Most High.
2. The Sunnah of the Messenger of Allah ﷺ.
3. The consensus of the Muslims (i.e. *ijma*).

These three sources are agreed upon by the Ummah.

4. Analogy (i.e. *qiyās*).

There are points of contention regarding *qiyās* as deductions are drawn from another issue altogether.

We have covered thus far the linguistic and Islamic definition of *fiqh.* So [if we go back to the ayah from Sūrah Tawbah]:

"Li yatafaqqahu fiddīn": Is to understand the laws of Allah ﷻ via the Islamic sources attained from scholars and those who are rightly-guided.

"Li yundhiru qawmahum idha raja'ū ilayhim": The merit of the *faqīh* is that he does not lack in anything. In fact he has much to offer to others. Therefore, the

4 See *Lisān al-'Arab* (13/522)

5 See *Sharh al- Kawkab al-Munīr* by Ibn Al-Najjār (1/41) and *Ta'rīfāt* by al-Jurjāni (p. 216).

faqīh is obligated to benefit the masses by teaching them and spreading the knowledge conferred to him. He should never be self-centred with regards to it. A quick observation reveals that propagation to Allah's *dīn*, enjoining righteousness and forbidding evil cannot come about except after gaining knowledge of this *dīn*. Those who do not gain this knowledge cannot be considered to be *mu'allims* (teachers) or *da'īs* (propagators). He cannot be considered as one who enjoins righteousness and forbids evil. Knowledge of the *dīn* is the pre-requisite before any of the above acts are accepted.

As for the hadīth, "Whosoever Allah wants good for, He will bestow upon him the knowledge of the *dīn*," it explains that those bestowed with knowledge of this *dīn* are those favoured by Allah. Subsequently, it can be concluded that those who aren't knowledgeable in the *dīn*, they are those for whom Allah has not bestowed goodness. This point illustrates the high merit of acquiring the knowledge and understanding of Allah's *dīn*. The one lacking it is thus in loss. *Fiqh* in the *dīn* of Allah is categorised in two[6]:

i. *Fiqh* that is mandatory on all Muslims; male or female, free person or slave, rich or poor, king or commoner. All of them have to learn this type of *fiqh*. It includes learning about *aqīdah* (creed), the rules of prayer, *zakah*, fasting and Hajj and 'Umrah i.e. the five fundamental tenets of Islam. Ignorance of these tenets will not be accepted from any Muslim.

ii. This category of *fiqh* is a collective obligation (*kifayah*) where if some Muslims accomplish it, then it removes the burden from the rest. Thereafter, it falls into the category of Sunnah (optional) for the rest of the Muslims. This is because *kifayah* serves to fulfil certain needs of the Muslim community. It does not require total participation of the Ummah to achieve this objective. Examples of this would be the laws of transaction, inheritance, marriage, divorce, criminal law, food and judiciary. It is incumbent upon certain people of the Muslim Ummah to gain knowledge of these laws so that the needs of the community are met. Whosoever is inclined towards these laws or experienced in them is expected to take up the responsibility.

Fiqh is also categorised into:

6 See *Jāmi' Bayān al-'Ilm wa Fadhlihi* by Ibn Abd al-Bar (pp. 9-11).

1. *Fiqh* in *aqīdah* (creed). This is also known as "*fiqh al-akbar*"[7] (greater *fiqh*). It is essentially the knowledge of *aqīdah*; understanding the oneness of Allah, *shirk al-akbar* (major) and *shirk al-asghar* (minor) and other rules pertaining to *aqīdah*.
2. *Fiqh al-'Ām*. The rest of the laws fall under this category; including worship, transactions etc.

Unlike the former, which is only related to *aqīdah*, the latter category deals with aspects of purification, the different types of water right up to the end of "the book of confession" (i.e. the final chapters of judicial laws). *Fiqh* is something of paramount importance to this *dīn*. It is not permitted to be complacent and uncommitted when it comes to acquiring it. Some people nowadays (specifically some youth) adopt this half-hearted attitude towards it saying, "It is merely the words of [ordinary] men which detract from acquiring the knowledge of the Qur'ān and Sunnah, from pondering over the legal texts and *takhrij* of the ahadīth." Or such similar arguments. This is a direct result of them failing to understand the true value of *fiqh*. It is in fact a rich resource not to be taken lightly. One should take advantage of it by studying it. This however does not mean that we accept everything written in the books of *fiqh*. It has to be referred in the light of the Qur'ān and Sunnah. One should look at how rules derived are substantiated with evidences. People in respect to this important issue tend to fall into two opposite ends:

One group belittles *fiqh* and discourages the people from acquiring it. They describe it in vile terms. In the other group, we have those who are fanatical in following the views of the *imāms* and scholars. Both these groups are sinful. The middle path would be to accept the views of the scholars that are in unison with the evidences and proofs, the views that aide us in appreciating the Qur'ān and Sunnah more. We will leave the views which contradict the evidences and proofs for indeed these were written by men who are correct sometimes and incorrect at other times. The *mujtahid* who is correct in his rulings receives double the reward while receiving only one if he is wrong. The *mujtahid* should be one capable of deriving rulings. It means that we take from the scholars only that which is in agreement with the evidences and proofs so that it helps us to understand the Qur'ān and Sunnah. We must reject his ruling if this criterion is not met. Our role model is the Messenger of Allah ﷺ

7 See *Majmū' al-Fatāwa* (19/307) and *al-Fiqh al-Akbar* by Imām Abī Hanifah, a book that refutes the Qadarīyyah.

and none else.

Allah says: **{O you who have believed, obey Allah and obey the Messenger and those in authority among you. And if you disagree over anything, refer it to Allah and the Messenger, if you should believe in Allah and the Last Day. That is the best [way] and best in result.}**[8] Therefore do not be complacent in learning *fiqh* and reject it like some of those who have appeared in this era, or the self-proclaimed scholar who says he is not in need of the *fuqaha* (scholars well-versed in *fiqh*). Stay clear from fanatical following of the rulings of scholars to the extent that you think nothing else besides that which you hold is *dīn*. Both groups are wayward. The middle path is safe. We give the *fuqaha* their due respect in regards to their rulings by studying the method by which their rulings are derived and affirm them if they are according to the Qur'ān and Sunnah.

We take pains to politely point out a contradiction to the one who made a ruling. We cannot simply accept what is inconsistent to the evidences just because we respect a certain scholar. In fact they themselves warn against blindly following their rulings without evidences and proofs. Imām Abū Hanīfah, the earliest of the four *imāms*, said, "If there is a hadīth of the Messenger ﷺ, I uphold it. If there is a saying from the Companions of the Prophet, I uphold it. If there is a ruling from the Tābi'īn, then they are men like us." He prioritised the words of Allah, then the hadīths of His Messenger ﷺ above others.

Imām Mālik said, "All of us can err and be refuted except for the person in this grave." With this he referred to the Messenger ﷺ.

Imām al-Shāfi'ī said, "If a hadīth is proven to be authentic, then it is my way (*madhab*)," and "If my words contradict the words of the Messenger of Allah ﷺ, throw away my words and take the words of the Messenger ﷺ."

Imām Ahmad said, "I am perplexed as to how people having known the chains of narration and its authenticity still prescribe to the views of Sufyān. Allah says: **{Therefore let those beware who go against his order lest a trial afflict them or there befall them a painful chastisement.}**[9]"

8 Al-Nisa: 59

9 Al-Nur: 63

The four *imāms* would not tolerate people following their views and rulings blindly. They wanted us to accept only that which falls in line with the evidences and proofs, regardless if it was from the *madhab* of our *imām* or that of others.

Verily, a Muslim will go astray if he accepts whatever he hears or comes across. A Hanbalī should accept the views of the Hanafī madhab if the latter has evidences and proofs that his own *madhab* doesn't produce and vice versa. This was the attitude adopted by the *imāms* and those who followed them did likewise. They took the view that was in unison with the Qur'ān and Sunnah and rejected that which was contradictory as they understood that the *imāms* were not error-free. The *imāms* delved into issues and pointed out the correct opinion after in depth research. Sometimes they were right and at other times they made mistakes in their judgement. However, their errors were few and far between *alhamdulillah*. Most of their views were in accordance to the evidences and proofs, which was their modus operandi after all (i.e. following the proofs). They took great pains to implement this in their lifetimes and left it as their legacy for others to emulate.

The scholars that formulated *fiqh* did so as they feared its disappearance. Four schools of jurisprudence emerged as a result of collecting *fiqh* issues. They are: the *madhab* of Imām Abu Hanifah, the *madhab* Imām Mālik, the *madhab* of Imām al-Shāfi'ī and the *madhab* of Imām Ahmad. Each of these schools were collated, studied and referenced throughout the Islamic era up to the present time.

There were other *fuqaha* apart from these four *imāms* but their views were not collated. Examples would be the views of Imām ibn Jarīr al-Tabarī[10], Imām al-Awzā'ī[11], Imām Sufyān al-Thawrī[12] and others. Their views do not appear as codified works like that of the four *imāms*. However their views and opinions can be found in the *tafsīrs* of the Qur'ān and in the commentaries of hadīth.

10 Imām Muhammad ibn Jarīr ibn Yazīd ibn Kathīr, Abu Ja'far al-Tabarī. He authored many valuable books. He was renowned for his knowledge during his time. He was also known for his intellect and the copious books he authored. He was born in 224 H. and died in 310 H.

11 Imām 'Abdul Rahman ibn Amr ibn Yuhmad, Abu Amr al-Awzā'ī. He was the scholar and *faqīh* of Shām. He was born in 88 H. and died in 157 H.

12 Imām Sufyān ibn Sa'īd ibn Masrūq, Abu 'Abdullah al-Thawrī. He was the *imām* and *hafidh*. He was from the most noble of scholars of his era. He died in 161 H.

In essence, the validity of the view or opinion is based upon it corroborating with what appears in the Qur'ān and Sunnah, even if it is not well known. The scholars opinions and views help us understand the Qur'ān and Sunnah. For this reason, great efforts were put into codifying their views. As and when there are differences in opinion or answers are sought, these books serve as references. This is *tawfīq* from Allah and His way of preserving this *dīn*. Allah says: **{Indeed, it is We who sent down the Qur'ān and indeed, We will be its guardian.}**[13] This verse is an indication of the preservation of the Qur'ān and the Sunnah of the Prophet ﷺ from any changes or replacement. It is also an indication of the preservation of the views of scholars and legists as their views are based on good understanding of the Qur'ān and Sunnah.

The greatest book is the book of Allah, and it is the ultimate source. Falsehood of any kind cannot blemish it. It is a book revealed from the Most Just and the Most Praiseworthy.

Then we have the Sunnah of the Messenger ﷺ who does not utter out of desire but it is only a divine message that he was inspired with. It too is preserved for posterity.

Lastly, we have the views of the scholars. At the forefront [of the scholars], we have the Companions of the Prophet ﷺ, then the Tabi'īn and then those who came after the Tabi'īn. Finally we have the views of the *imāms*, especially the four great *imāms*.

All this is readily available in our present times for all Muslims, *alhamdullilah*. All that remains is for us to look it up, study and benefit from these books. We should never voice our own views for we have not attained the stature achieved by the great *imāms*. We should not convince ourselves that we do not require the *fiqh* books and that sufficient for us is the Qur'ān and Sunnah. This view unfortunately is rife with some teachers. This is a wayward stance and will lead one astray. This is because there is none in our times, I dare say, who can make an independent view and opinion without references. Verily knowledge will deplete and it shall be seized during the last era as prophesied by the Messenger ﷺ, "Allah does not seize this knowledge by removing it from the hearts of men but He seizes it through the death of the scholars. When there is no scholar left, people will start taking the ignorant ones as leaders.

13 Al-Hijr:9

When questioned, these men answer without knowledge. They are astray and they send others astray."[14]

The Prophet ﷺ also said, "There will not lapse an era except that which follows shall be worse off."[15] In every new era the scholars diminish in numbers until the final hour. Hence we cannot distance ourselves from the views of scholars of bygone eras and the opinions of our predecessors. In fact it is incumbent upon us to refer to their works. It is only correct that the ignorant should seek advise from the learned. Allah says: **{And We sent not before you except men to whom We revealed [Our message]. So ask the people of the message if you do not know.}**[16] Ignorance is not lifted by isolating oneself or having pride, rather it is lifted by asking the people of knowledge.

We ask Allah that He grants us beneficial knowledge and the ability to do pious deeds. May peace and blessings of Allah be upon our Prophet Muhammad, his family and all of his companions.

Signed by author.

14 Reported by al-Bukhārī (1/36) (9/123) and Muslim (8/60) from the hadīth narrated by 'Abdullah ibn Amr ibn 'Ās.

15 Reported by al-Bukhārī (9/61), worded by him, Ahmad (3/117, 132) and al-Tirmidhī (2206) from the hadīth narrated by Anas,.

16 Al-Nahl:43

متن

بِسْمِ اللهِ الرَّحْمَنِ الرَّحِيمِ

وبه نستعين

الحمد لله حمداً لا ينفد، أفضل ما ينبغي أن يُحْمد

In the name of Allah, the merciful, the especially merciful. With him we seek assistance. Praise be to Allah whose praise never ceases, the most worthy of praise.

The author's name is Sharaf al-Dīn Abū al-Najāh Mūsa al-Hajjāwī[17]. He was a scholar from the tenth century after Hijrah, a great *imām* and amongst the best *faqihs* of the Hanbalī *madhab*. He summarised [this work] from the book *al-Muqni'*.

He starts with, "In the name of Allah, the merciful, the especially merciful," like the chapters of the Qur'ān and in accordance with the Sunnah of the Messenger of Allah ﷺ. Verily, starting with the name of Allah is legislated in Islam before doing any deed like drinking and eating. This includes writing a book.

Allah began every *sūrah* in the Qur'ān with the *basmallah*, except for "*Barā'a*" (Sūrah Tawbah).

The Prophet ﷺ used to begin with the *basmallah* when he commenced sittings of knowledge, and when he wrote letters to the kings and emperors inviting them to Islam, just as Sulaymān ﷺ wrote the letter to Balqīs, Queen of Saba' beginning with the *basmalah*: **{She said, "O eminent ones, indeed, to me has been delivered a noble letter. Indeed, it is from Sulaymān, and indeed, it reads: 'In the name of Allah, the Entirely Merciful, the Especially Merci-**

17 His name is: Mūsa ibn Ahmed ibn Mūsa al-Hajjāwī Abu al-Najāh. He died in 968 H. He took *fiqh* and other disciplines from Imām Shihab al-Dīn Ahmad al-Whuwayki al-Salihi, Imām Abu Hafs Najm al-Din 'Umar ibn Ibrāhīm ibn Muhammad ibn Muflih al-Salihi, Abu al-Barakat Muhhib al-Din Ahmad ibn Muhammad al-'Uqayli. A large number of *imāms* studied under him: His son Yahya al-Hijāwi, Shihāb al-Din Ahmad al-Wafa'i al-Muflihi, Ibrāhīm ibn al-Ahdab al-Salihi, Abu Nūr ibn 'Uthmān ibn Muhammad ibn Ibrāhīm, and others. From his works are *al-Iqnā'* and *Zād al-Mustaqni'*.

ful.'"}[18]

It is reported that the Prophet ﷺ said: "All important things that do not begin with *bismillahi* are futile," in another narration "... that do not begin with *al-hamdulillah*."[19]

Starting a deed with the *basmallah* is a Sunnah *mu'akkadah* (strongly emphasised). It means that one seeks help and blessing [doing that deed] in the name of Allah ﷻ. Indeed these are powerful words. The word "Allah" encompasses all the names of Allah. It is not to be used for any other person except Him, the Lord of the Worlds. The meaning of "Allah" is the owner of supremacy, which denotes worship, for verily only He is worthy of worship.

"*Al-Rahmān al-Rahīm*": Two great names of Allah which allude to His mercy. "*Al-Rahmān*" refers to his mercy for all His creations and "*al-Rahīm*" refers to His mercy reserved for the believers.

"*Alhamdulillah*": Beginning with these words is not the actual start but secondary after "*bismillah*". "*Al-hamd*" is praise for He who bestows everything, the Most High and Most Glorious.[20] This meaning can be seen in the following verses: **{All praise is [due] to Allah, Lord of the worlds.}**[21], **{All praise is [due] to Allah, who has sent down upon His Servant the Book and has not made therein any deviance.}**[22], **{All praises and thanks be to Allah, Who [Alone] created the heavens and the earth, and originated the darkness and the light, yet those who disbelieve hold others as equal with their Lord.}**[23], **{And say: "All the praises and thanks be to Allah, Who has not begotten a son [nor an offspring], and Who has no partner in [His] Dominion."}**[24].

Use of "*alhamdulillah*" can be found in books, sermons and lectures. The use of

18 Al-Naml 29-30

19 Reported by Ahmad (2/359) with the phrase "*dhikrullah*" and Abu Dawūd (4840) with the phrase in the latter hadīth mentioned above from the narration of Abu Hurairah.

20 See *Mutla' 'Ala Abwāb al-Muqna* by Ibn Abi al-Fath al-Ba'lī (p. 2) and *al-Dar al-Nafi* by Ibn al-Mubrad (1/10).

21 Al-Fatihah: 2

22 Al-Kahf: 1

23 Al-An'ām: 1

24 Al-Isrā: 111

it in the *khutbah al-hajah* (i.e. *'innal hamdalillah nahmaduhu wa nasta'īnuhu'*) is specific to that particular sermon and does not occur in other sermons. The sermons of the Prophet ﷺ that contain the phrase "*alhamdulillah*" are similar in meaning to that which is found in the Qur'ān. Therefore those delivering a sermon are obliged to do likewise. The *alif* and *lam* in *al-hamdulillah* makes the phrase all-encompassing, alluding that all praises are for Allah, the Almighty. Only He is worthy of praise as all things are bestowed by Him ﷻ. As for a man who gives to others, he can be praised for that charity he gave. However, it should not be all-encompassing. Thus we cannot say "*al-hamd*" to an individual, this is forbidden. Allah is praised for His essence, His Names and Attributes and He is praised for His actions.

"*Rabbil 'ālamīn*": The Creator of the worlds. Al-Rabb means the king, owner, preserver and discharger of the affairs of the worlds. He creates and nurtures them physically and spiritually, creating the heart and placing within it knowledge and faith. He nurtures the body by bestowing sustenance in the form of food and drink. It is He who nurtures the people, setting right their affairs and repelling evil from harming them.

"*Al-'ālamīn*": Plural of world, it denotes everything except Allah. There are various worlds; the world of the *jinn*, the human world, the world of the angels etc. No one keeps an account of all of these worlds except Allah. It is He who created them and he nourishes them and looks after their affairs while sustaining them.

"The most worthy of praise": That is total praise.

"Whose praise never ceases": That is praise that has no boundaries, for Allah's ability to bestow does not end. Therefore praise for Him, the Most Glorious cannot end and it is perpetual.

متن

وصلى الله وسلم على أفضل المُصْطَفَيْنَ محمد

And peace and blessing of Allah be upon the best of chosen ones Muhammad.

"Peace and blessings of Allah": The linguistic meaning of blessing is suppli-

cation.[25] It means praise from Allah from above the heavens for the Prophet Muhammad ﷺ. The angels bless him i.e. they seek forgiveness for him. Likewise, mankind seeks Allah's blessing on behalf of the Prophet ﷺ by making supplications for him. This information can be drawn from the hadīth in *Sahīh al-Bukhārī*[26] from the narration of Abu al-'Āliyah. Allah says: **{Allah sends His *Salat* upon the Prophet and also His angels too [ask Allah to bless and forgive him]. O you who believe! Send your *salat* upon him, and greet him with the Islamic way of greeting.}**[27]

Sending salutations upon the Prophet ﷺ is at times *wājib* and at times encouraged only. It is *wājib* during the *tashahud* in prayer, during the sermons of the two 'Eid prayers, the *jumuah khutbah* and the prayer seeking rain. The sermon is not complete unless salutations are sent upon the Prophet ﷺ. Salutations are sent upon him every time his name is mentioned. May peace and blessings be upon him. It is reported that he ﷺ said, "He is a miser who hears my name and does not send salutations upon me,"[28] and added, "Whoever sends a single salutation upon me, Allah sends ten salutations upon him."[29] He also said, "Send salutations upon me from wherever you are for indeed your salutations reach me."[30]

Salutations were sent on him whilst alive and after death due to his immense favour upon the Ummah. Allah has brought this Ummah from darkness to light through the Prophet ﷺ and guided us to the straight path as a result. It is integral that the Muslims follow his Sunnah and love him more than they love themselves, their parents, their children and the rest of mankind. Allah says: **{Indeed in the Messenger of Allah you have a good example to follow for him who hopes in Allah and the Last Day and remembers Allah much.}**[31],

25 See *al-Misbah al-Munīr* (p. 473), Ibn al-Qayyim in his book *Jalā' al-Afhām* while explaining the linguistic and Islamic meaning of *al-salah.*

26 *Sahīh al-Bukhārī* (6/151).

27 Al-Ahzāb: 56

28 Reported by Ahmad (1/201), al-Tirmidhī (3546), al-Nasā'ī in his book *Amal al-Yawm wal Lailah* (55) from the narration of Hussain ibn 'Alī.

29 Narrated by Muslim (2/17), Ahmad (2/262 & 372), Abu Dawūd (1530) and al-Tirmidhī (485) from the narration of Abu Hurairah.

30 Reported by Ahmad (2/367), Abu Dawūd (2042) from the narration of Abu Hurairah with the words, "Do not take my grave as a place of merriment and do not make your houses like graves. Sent salutations upon me wherever you are for indeed it reaches me."

31 Al-Ahzāb: 21

{So those who believe in him, honour him, help him, and follow the light which has been sent down with him, it is they who will be successful.}[32] It is their duty to send salutations upon the Prophet whenever his name is mentioned. Peace and blessings be upon him. It is also their duty to give special importance to his Sunnah and his *ahadīth*. They should study and practice [these two sciences].

The Prophet's ﷺ rights upon us are many. But they can never equal our rights upon Allah. Ibn al-Qayyim says:

For Allah is a right not meant for others,

And for His servant is a right and these make two rights,

Do not make the two rights as a single right,

Without discernment (tamīz) and criterion (furqān).[33]

Rights upon Allah are the rights in essence and it is the greatest obligation. His servant, the Prophet ﷺ has rights. They are: That he be followed and obeyed, that his message is endorsed, to send salutations upon him, that he is more dear to us than ourselves, our wealth, our family and the rest of mankind and that we love his Companions and respect them for they were men most dear to our Prophet ﷺ. He ordered us to show respect to the Companions and forbade us from cursing them or belittling them.

"The best of the chosen ones": "*Mustafayn*" is the plural of "*mustafa*", meaning *mukhtār* (the chosen one). The word "chosen ones" refers to the Prophets, may peace be upon them all. Allah chose them from all of mankind and made them special by sending His revelation to them.

The best among them is Muhammad ﷺ. He says, "I am the most noble amongst the sons of Adam and there is no arrogance [in my claim]."[34] He is the best of the Messengers and was given special characteristics that other Prophets did not receive. Some examples are: All the Messengers were sent to their own

32 Al-Ar'āf: 157

33 *Nūniyyah* of Ibn al-Qayyim with its commentary (2/347).

34 Narrated by Ahmad (1/5) with the wording: "You created me as the most noble among the sons of Adam and there is no arrogance." This is from the narration of Abu Bakr ؓ and reported by Ibn Mājah (4308) from the narration of Abu Sa'īd al-Khudrī.

nations whereas Muhammad ﷺ was sent to the whole of mankind. The whole earth was made a place of worship for him while the other nations had to restrict their worship to their churches and places of worship. War booty was made permissible for him ﷺ whereas it was forbidden for the nations before him. Hence he stood out as the most noble of the chosen ones.

"Muhammad": This is from the Messenger's names. He does have other names. He was called Ahmad in the Qur'ān when Allah mentioned about 'Īsa ﷺ, **{And giving glad tidings of a Messenger to come after me, whose name shall be Ahmad.}**[35]

متن

وعلى آله وصحبه

And on his family and companions.

"And on his family": Family here refers to the Prophet's ﷺ followers; from those of kinship and those who were not. Allah ﷻ says: **{Cause Fir'awn's (Pharaoh's) people to enter the severest torment!}**[36] In this ayah He is referring to the followers of Fir'awn. It especially includes the *ahl al-bayt* i.e. the household of the Prophet ﷺ. The word "*'āl*" includes all the followers, not just his immediate family and relatives. This is the correct interpretation.

"His companions": They are specifically mentioned even though they fall under the above mentioned category. This is to emphasise their importance as in the words of Allah: **{Whoever is an enemy to Allah and His angels and His messengers and Jibrīl and Mika'īl - then indeed, Allah is an enemy to the disbelievers.}**[37] Though Mika'īl and Jibrīl fall under the category of angels, they are mentioned again by name to emphasise their importance. The Jews used to claim that Jibrīl was their enemy, claiming that they would indeed become believers had it been any other angel that brought down revelation. Allah says: **{Say, "Whoever is an enemy to Jibrīl - it is [none but] he who has brought the Qur'ān down upon your heart, [O Muhammad], by permission of Allah, confirming that which was before it and as guidance and good tidings for the believers. Whoever is an enemy to Allah and His angels and His messengers and Jibrīl and Mika'īl - then indeed, Allah is an enemy to**

35 Al-Saf: 6

36 Ghāfir: 46

37 Al-Baqarah: 98

the disbelievers."}[38]

Allah says: **{Maintain with care the [obligatory] prayers and [in particular] the middle prayer and stand before Allah, devoutly obedient.}**[39] The middle prayer is the '*asr* prayer. It evidently falls under the category of *salah* but it is mentioned again to display its importance. The Companions likewise were mentioned again to highlight to us their high stature. This is a refutation to the stand adopted by the Shi'ah who do not send salutations upon the Companions and who do not say "*radiyallahu anhum*" when their names are mentioned. The *Rāfidāh* consider the Companions as enemies.

Some students of knowledge in our times say, "Peace and blessings be upon him and upon his family." This is an imitation of the ways of the Shi'ah. That which appears in the Qur'ān is: **{Ask [Allah to confer] blessing upon him and ask [Allah to grant him] peace.}**[40] This does not incorporate, "And upon his family." The family is mentioned along with sending salutation to the Prophet ﷺ only in the hadīth of the final *tashahud* in the prayer.

"Companions": They were those who met with the Messenger ﷺ, believed in him and died upon that belief.[41] Whoever met the Prophet ﷺ but did not believe in him is not considered to be a companion. Abu Jahl, Abu Lahab and many other disbelievers met the Prophet ﷺ. As they did not believe in his message, they are not deemed to be from his Companions.

Those who met him and believed and then apostatised are also not considered to be Companions. In the case of apostasy, the individual would not have only nullified his companionship with the Prophet ﷺ but all of his good deeds as well. Allah ﷻ says: **{And whoever of you reverts from his religion [to disbelief] and dies while he is a disbeliever - for those, their deeds have become worthless in this world and the Hereafter, and those are the companions of the Fire, they will abide therein eternally.}**[42]Apostasy removes the status of companionship with the Prophet ﷺ just as it invalidates all good deeds. This is

38 Al-Baqarah: 97-98

39 Al-Baqarah: 238

40 Al-Ahzab: 56

41 Hafiz ibn Hajar when commenting on this definition said, "It is the most accurate that I have come across." See *al-Isābah* (1/7).

42 Al-Baqarah: 217

if the apostate dies in this state without repenting.

متن

ومن تعبَّد

And whoever worships.

"And whoever worships": Meaning whoever worships Allah and draws near to Him from amongst the Muslims. "Worship" comprises all that which Allah loves and which earns His pleasure. This includes speech and actions that are apparent and those that are not.[43] There are two pre-requisites for worship to be accepted:

First: Sincerity to Allah and not directing it to any other except Allah.

Second: To follow the way of the Messenger ﷺ and abstaining from all forms of innovation and superstition.

When the author sent salutations on the Prophet, he sent blessings upon his family and companions. He effectively sent blessings upon all of Muhammad's ﷺ followers who will appear on the face of the earth until the Day of Judgement.

متن

أما بعد:

To proceed:

"To proceed": This phrase is used to shift from one matter to the next in speeches. After having completed the *khutbatul hajah*, the author shifts the audience's attention to the objectives of the sermon. The Prophet ﷺ used to say this in his sermon. He would say, "To proceed: O people..." (i.e. "*Ammā b'ad, ayyuhannās*").[44]

متن

فهذا مختصرٌ في الفقه

43 See *Majmū' al-Fatāwa* (10/149)

44 Reported by al-Bukhārī (5/43) from the narration of Ibn 'Abbās and the narration of 'Umar ibn al-Khattāb (6/67), Muslim (8/245) from the narration of 'Umar and also reported by Ahmad (1/55), the hadīth of al-Saqīfah - from the narration of Umar ibn al-Khattāb.

This is the summary of *fiqh*.

"This is the summary": To make matters brief is a skill that is highly appreciated. 'Alī ﷺ said, "The best of speech is that which is condense but expansive in content." Allah ﷻ endowed His Messenger ﷺ with this talent. He used to utter short phrases that bear deep meanings ﷺ. You can see how the *ahadīth* are mere sentences while the commentaries can be multiples volumes in length.

This talent is something that all scholars should try to cultivate in themselves. They should make their lessons and sermons short and concise; especially the Friday sermon. The Prophet ﷺ said, "Verily lengthening the prayer and shortening the sermon bear testimony to one's knowledge of the *dīn*, so lengthen your prayer and shorten your sermon."[45] The brief and concise speech by the scholar or *mufti* is better and more beneficial than a long lecture.

"Of *fiqh*": This is not [the *fiqh* that is related to] the oneness of Allah, as *tawhīd* is addressed in the books related to *aqīdah*.

"*Fiqh*": It is the knowledge of the rules in Islam and its proofs and evidences.

The scholars placed high value upon concise treatises as they are easier to memorise and so that the student can study in a graded manner. In order for the student of knowledge to best absorb knowledge, he should study small portions. Overloading oneself with information is of no benefit. He can start with the concise treatises and progress to the more detailed books and in-depth explanations. A gradual approach to studying knowledge (*tadarruj*) is the most efficient and effective. There is a saying which states, "Whoever forgoes the basics (*the usūl*) is denied achievement (the *wasūl*)."

The *usūl* in terms of seeking knowledge is these brief treatises. The scholars used to take advantage of concise treatises in all of the fields of study; namely *fiqh*, *aqīdah*, Arabic grammar (*nahwu*), inheritance (*mawarīth*) and the fundamental laws (*usūl al-fiqh*). All fields of study will have these brief introductions that pave the way for more in-depth study and understanding. There are those who consider these to be too condensed and disregard them, beginning with the longer texts instead. These people have set themselves up for failure for

45 Reported by Muslim (3/12), Ahmad (4/263) and Ibn Khuzaymah (1782) from the narration of Ammār ibn Yāsir.

they have not adopted the correct methodology. They have not entered into the path of knowledge through its correct door. Allah says: **{And it is not righteousness to enter houses from the back, but righteousness is [in] one who fears Allah. And enter houses from their doors. And fear Allah that you may succeed.}**[46]

Each science has a unique method to attain its mastery. Islamic knowledge should start with concise treaties. These treatises are very important to the beginner student of knowledge.

متن

من مُقْنِع الإمام الموفَّق أبي محمد

From *Muqni'* of the Imām al-Muwafaq Abu Muhammad.

"From *Muqni'*": Meaning, from the book called *Muqni'* by Imām Muwafaq al-Din, Abu Muhammad Abdullah ibn Ahmad ibn Qudāmah al-Maqdisī[47], who was the *imām* of the Hanbalī *madhab* in his era. He has authored books on this *madhab* which are well-known by students of knowledge. These books are in various levels that gradually help a student along his quest for knowledge.

Firstly, there is *Umdah al-Fiqh* which is restricted to one view of the *imām*. At the next level, students use *al-Muqni'* which explores more than the first book. It mentions two or more views of a particular issue. He then authored *al-Kāfī* in which all the different views pertaining to each *fiqh* issue are discussed. In this book students are exposed to the proofs and evidences from the Qur'ān and hadīth which form the Hanbalī *madhab*. After this comes *al-Mughnī*, which presents the views of all of the four *imāms* and the *imāms* of the Tabi'īn. When a student reaches this stage and benefits from this book, he assumes the role of *faqīh*, discarding the tag of student.

متن

على قولٍ واحد

On just one view.

46 Baqarah: 189

47 His detailed biography is in *Siyār A'lām al-Nubalā* by al-Dhahabī (22/165) and *al-Wafā bil Wafiyāt* by al-Safdī (17/37), *al-Bidayah wa Nihayah* by Ibn Kathīr (13/99) and *Dhil al-Tabaqqāt al-Hanābilah* by Ibn Rajab and many other references.

This is the style found in concise treatises. They do not mention many views for a particular issue. For the beginner has to be fed with one portion of knowledge at a time. It is best that he is introduced to knowledge in a gradual fashion. This is the very objective of concise treatises and the nurturing scholars (*rabbāniyūn*) taught using it. Allah says: **{Be you *rabbaniyyūn*, because you are teaching the Book, and you are studying it.}**[48]

Some from the *salaf* said, "Scholars who nurture (i.e. *rabbāniyyūn*) are those who teach the beginning portions of knowledge before progressing to teach the more advanced portions."

We see in present times, the so-called student of knowledge starts his journey of knowledge with voluminous books and books that discuss the differences of opinion. They never read the concise treatises. These people will not gain anything. As the saying goes, "Whoever forgoes the basics is denied achievement." It is also said, "Memorise the core lessons and it will strengthen the intellect." Memorising these core lessons is a must. Learn them from the scholars. Stay clear from those who discourage the memorisation of these lessons. Indeed memorisation is the basis of knowledge.

متن وهو الراجحُ في مذهبِ أحمد، وربما حذفتُ منه مسائلَ نادرةَ الوقوع، وزدتُ ما على مثله يُعْتَمد

It is the preferred view in the *madhab* of Ahmad. Perhaps I omitted from it seldom occurring issues and added more of a similar type that can be relied upon.

"It is the preferred view": This is the view chosen by the author who summarised *al-Muqni'*. It is preferred in accordance to the *madhab* of Ahmad. It might not really be the preferred view. However the author assumes so. *Alhamdulillah* it is the preferred view more often than not. In some cases, the view less preferred is chosen. This is well-known.

"Ahmad": This refers to the leader of the *madhab*, Ahmad ibn Hanbal al-Shaybānī. He was one of the four great *imāms* and a great reporter of hadīth. He was a *muhadith* and a *faqīh*. He was known as Abu 'Abdullāh. Shaybānī refers

48 Āli 'Imrān: 79

to Shaybān ibn Dhuhul, one of his grandfathers.

Imām Ahmad was born in Baghdad and grew up there. He left for Makkah in search of knowledge, then to Madīnah and then to Yemen. He met with those who had memorised the hadīth and the narrators. He narrated the hadīth from them and soon was regarded as an authority on hadīth and was known as the *imām* of Ahlus Sunnah.

Among his students were Imām al-Bukhārī, Imām Muslim, Imām Abu Dawūd and Imām al-Tirmidhī. These were the students who learnt hadith from Imām Ahmad. He also had many students who learnt *fiqh* from him and followed his *madhab*.

He has authored many books, the most important of which is his hadith collection *al-Musnad*. He compiled thirty thousand ahadīth of the Prophet ﷺ. It was called *al-Musnad* because it includes narrations from each companion in one section. Another significant book of his is *al-Tafsīr bil Athar* which contains one hundred and fifty thousand ahadīth of the Messenger of Allah ﷺ. This book focuses on exegesis of the Qur'ān.[49]

His book *Rad 'ala Zanādiqah wal Jahmiyah* is still in print now. However Imām Ahmad did not author a book on *fiqh*. This was due to his modesty. His students penned down verbatim his lessons, rulings and letters containing answers to questions sent to him from far and wide. These students then compiled all these resources, which also included his answers to questions from other scholars who lived during his time. Five students in particular exerted great effort in this compilation: Imām Ahmad's sons 'Abdullah and Sālih, al-Marwadhī, al-Athram and al-Harbī. These five individuals narrated the most from Imām Ahmad, thereby preserving the *madhab*.

"Perhaps I omitted from it": Referring to *al-Muqni'*.

"Seldom occurring issues": That are very unlikely to happen.

"And added more of a similar type that can be relied upon": Replacing them with more frequently occurring *fiqh* issues. This inevitably required taking content from other than *al-Muqni'* and this approach is called *ziyadāt*

49 It was printed in four large volumes.

al-mukhtasir (additions to the concise treatise). These are very few in number and for this reason he said "perhaps", indicating that it is indeed rare. He did not mention the omissions here as there was no pressing need. Likewise, the scholar should devote his attention to issues that are pertinent to the people. As for seldom-occurring issues and problems, he should consider them less important. Similarly, the student of knowledge should study and ponder over problems that are relevant and that happen often in daily life. Problems to which the solutions are sought by the people. These two books, *al-Muqnī* and *al-Mukhtasar* (i.e. *Zād al-Mustaqnī*) are amongst the most significant books of the Hanbalī *madhab.*

"*Al-Muqni*": This book has been accepted by the people and its value is revealed by the many commentaries written on it. Here are a few examples of these books: (i) *Al-Sharh al-Kabīr* by Shams al-Dīn 'Abdul Rahmān ibn Abī 'Umar. This commentary was published. (ii) *Al-Insāf* by Mardāwī. This book explains the differentiation between the preferred view and the view that is not preferred in the disputed *fiqh* issues. (iii) *Al-Mumtī Sharh al-Muqni'* by Ibn Munajī, this is also published. (iv) *Al-Mubdi' fī Sharh al-Muqni'* by Ibrahīm ibn Muflih, who is from the family of Muflih. This book was also published. These are the well-known commentaries.

"*Al-Mukhtasar*": The concise treatise we are studying now has only one commentary that I know of. It is *al-Rawd al-Murbi' Sharh Zād al-Mustaqnī'* by the *shaykh* of the *Hanabilah* in his era, Mansūr ibn Yūnus al-Bahūtī. It is said that Shaykh Sulaymān ibn 'Alī, the grandfather of Shaykh Muhammad ibn Abdul Wahhāb wrote a commentary for *Zād al-Mustaqnī'* but when he came across the book of al-Bahūtī, he destroyed his book and relied upon al-Bahūtī's commentary. This was mentioned by Ibn Bishr in his book that covered historical events. And Allah knows best.

Al-Bahūtī's book was preferred by the scholars and they have added many postscripts (*hāshiyat*) to the book. An example of this is the postscript by Shaykh 'Abdullah ibn 'Abdul Rahmān Abu Buthayn, the mufti of Najd in his era and this was published. He also did a postscript for *Zād al-Mustaqnī.* There is also the postscript of Shaykh ibn Fayrūz al-Ahsāi' of the book *Sharh al-Zād,* however he did not complete it. Many postscripts have been added to the commentary of *Zād al-Mustaqnī*. One particular person who gave it much importance was Shaykh 'Abdullah al-'Anqari, the judge of the Sadīr province.

He compiled all of these postscripts into one book calling it *Hāshiyat al-'Anqarī* which was then published. The last of those who did these postscripts was Shaykh 'Abdul Rahmān ibn Qāsim, a student of Shaykh Muhammad ibn Ibrāhīm. He was well known and his work was published. His postscripts had a wide scope and were full of information from the books of the *madhab* and the preferred opinions of Shaykh Ibn Taymiyyah and Ibn al-Qayyim (may Allah be pleased with them both).

متن إذ الهممُ قد قَصُرتْ، والأسبابُ المُثَبِّطةُ عن نيلِ المرادِ قد كَثُرَتْ

Ambition has decreased and the hindrances to achieving the objectives have increased.

In other words, "I have done this deed; the deed of authoring this brief treatise, removing the seldom-occurring *fiqh* issues and adding issues that are more frequently occurring." He did so because *al-himām* (ambition) to acquire knowledge has decreased. These students require someone to make it more accessible for them. People in the first era had a great liking for *fiqh* and sought it. They did not need concise treatises. In fact they used to memorise the original long versions.

As time passed by, the interest for knowledge waned and people preoccupied themselves with other things besides it; fulfilling the prophecy of the Messenger of Allah ﷺ who said, "There won't come a time except that it will be followed by a period worse than the former."[50] And his saying, "Verily Allah will not snatch this knowledge by removing it from men's heart but He will snatch it through the death of scholars"[51] [Also that] at the end of time, "Reciters [of the Qur'ān] will be many but the *fuqahah* will be less in number."[52]

"And the hindrances to achieving the objectives have increased": As time passed and heedlessness and laziness increased, it was necessary to facilitate the acquiring of knowledge from the lengthy books. Hence they were summarised into brief treatises. This was done to assist the student of knowledge and

50 Reported by al-Bukhārī (9/61), Ahmad (3/117,132) and al-Tirmidhī (2206) from the hadīth of Anas.

51 Reported by al-Bukhārī (1/36), (9/123), Muslim (8/60) from the narration of 'Abdullah ibn 'Amr.

52 Reported by al-Tabarānī in *al-Mu'jam al-Awsad* (3277) from the narration of Abu Hurairah.

it is incumbent upon the scholars to modify the methods of dissemination of knowledge according to the era. These [summaries are] a direct result of the lack of interest in learning lengthy books, and voluminous works which students of times gone by treasured and memorised for they held the acquiring of knowledge in high esteem.

The student's hunger for knowledge will never be satiated; as in the hadīth, "The greed of two people will never be satiated: the seeker of knowledge and the seeker of this world."[53]

Since people are busy with business, corruption and servitude to their desires, they stopped giving their attention to seeking knowledge. They became ensnared by relaxation and leisure. This is the prevailing condition and there is neither power nor might except with Allah.

متن **ومع صِغَرِ حَجْمه حوى ما يُغني عن التطويل، ولا حولَ ولا قوةَ إلا بالله، وهو حسبُنا ونعم الوكيل.**

Though small in size, it contains that which is in the original text, freeing it from the need of being lengthy. There is no power or might except with Allah, Who is sufficient for us and the best trustee.

"Though small in size, it contains that which is in the original text": Do not underestimate the impact of the concise treatise. Though compact in size it contains the same information found in voluminous books. Information is summarised and the wording is made brief wherever possible.

Hence this concise treatise which the author referred to has five distinguished traits:

First: It is from the book *al-Muqni'* which is the basis for the Hanābilah.

Second: It contains one view (per *fiqh* issue). Differences in views and refutations which could confuse students are not discussed.

Third: It contains only the preferred view substantiated by proofs and ev-

53 Reported by al-Tabarānī in *al-Kabīr* (10/223) from the narration of 'Abdullah ibn Mas'ūd.

idences in accordance to the *madhab* of Imām Ahmad. This style gives the student the confidence to rely on the book given the impression that the book contains only preferred views.

<u>Fourth</u>: Seldom-occurring *fiqh* issues have been removed and in their place more frequently occurring issues have been inserted. It makes the book more practical and relevant as a reference to problems faced in daily life. Issues of rarity ought to be discussed in the longer texts.

<u>Fifth</u>: Even though it is compact in size and with fewer pages, this treatise matches the knowledge found in the original text. If you were to study this concise treatise well, it will lay the foundation for you to grasp what is in the original text because *al-Muqni'* is but an explanation of this treatise.

These five distinguished traits that have been mentioned by the author are indeed unique to the treatise.

"There is no power or might except with Allah, Who is sufficient for us and the best trustee": The author concludes the introduction with these great words. The meaning of it is that there is no power [to alter] one situation to the next except with Allah. Without Allah's help, a *jāhil* cannot become a scholar, a pauper cannot become rich and the sick cannot become healthy except with Allah's grace and mercy. It is done only with aid from Allah. Might and power are the sole prerogative of Allah.

"Who is sufficient for us and the best trustee": "*Hasbunā*" means sufficient and "*ni'mah al-wakīl*" means One who is relied upon for all of our affairs. These words were mentioned by Ibrāhīm ﷺ when he was thrown into the fire. Muhammad ﷺ uttered it when it was said to him: **{Those to whom hypocrites said, "Indeed, the people have gathered against you, so fear them." But it [merely] increased them in faith, and they said, "Sufficient for us is Allah, and [He is] the best Disposer of affairs."}**[54] [55]

What was the outcome then for both Ibrāhīm and the Messenger of Allah ﷺ? Regarding Ibrāhīm's outcome, Allah said: **{O fire, be coolness and safe-**

54 Āli 'Imrān: 173

55 Reported by al-Bukhārī (6/48) from the narration of 'Abdullah ibn 'Abbās.

ty upon Ibrāhīm.}[56] As for the Messenger of Allah ﷺ and his Companions, Allah says: **{So they returned with favour from Allah and bounty, no harm having touched them. And they pursued the pleasure of Allah and Allah is the possessor of great bounty.}**[57]

56 Al-Anbiya: 69

57 Āli 'Imran: 174

كتاب الطهارة
THE BOOK OF PURIFICATION

- Types of water
- Utensils
- Cleansing after relieving oneself
- *Siwāk* and the optional acts in ablution
- The obligatory acts in ablution and its description
- Rubbing over the leather socks (*khuffayn*)
- What nullifies ablution
- Bath (*ghusl*)
- Dry ablution (*tayammum*)
- Removing impurities
- Menstruation

كتاب الطهارة
THE BOOK OF PURIFICATION

The author now begins writing the main body of the book.

"*Kitāb al-Tahārah*": He begins with *tahārah* because prayer is the second commandment of Islam and it is the pillar of Islam. The first commandment: *al-shahādah* (proclamation of Islam), is discussed in the books of *aqīdah* and *tawhid*. The rest of the commandments: prayer, *zakat*, fasting and Hajj and *mu'āmalāt* are found in the books of *fiqh*.

Since the first and foremost type of worship is *salah* (prayer) and since purification is a pre-requisite for *salah*, the author begins the book with this chapter. Purification is achieved in either of two ways:

1. Water: if it is available and the person purifying himself is capable of using it.
2. Dry ablution (*tayammum*): when water is not available or if a person is incapable of using it.

So he begins the book with the chapter on purification.

"*Kitab*": Linguistically it means "gathering" i.e. a book is a compilation of words, chapters, sections and content.[58]

"*Tahārah*": Linguistically it is to remove and cleanse impurities that are tan-

58 See *al-Mutla* (p. 5)

gible and intangible[59]. It has two categories. The first of these is intangible purification. This is purifying oneself from associating partners with Allah (*shirk*), innovations (*bidah*) and cleansing oneself of sin (*dhunūb*). Allah the Most High and Dignified says: **{These are indeed men who want to be pure [from sins]!}**[60] The focus of this ayah is upon intangible impurities i.e. sin and transgression. *Shirk* is [considered to be] an impurity, Allah says: **{Verily, the Mushrikūn are *najāsūn* (impure).}**[61] This is cleansed by pure *tawhīd*. The second of these categories is tangible purification and it is attained by using a purifier to physically remove impurities.

متن

وهي: ارتفاعُ الحدث وما في معناه، وزوالُ الخَبَث.

It (i.e. *tahārah*) is the lifting of impurity and anything resembling it and the removal of filth.

"It is the lifting of impurity": This is the technical definition[62] i.e. "lifting of impurity". Impurity is that which is on the body which nullifies prayer and impedes the touching and reading of the Qur'ān. The one who is in the state of impurity is not allowed to pray and if he insists, it is not valid. The Prophet ﷺ said, "Allah does not accept the prayer of one who is impure until he makes ablution."[63]

"And anything resembling it": Meaning anything that resembles the lifting of impurity. For example, the washing of hands when waking up in the morning though they were not dirty. However if a person wakes up in the morning and dips his hand into a bowl of water without first washing it, the bowl of water becomes impure. The Prophet ﷺ warned against doing this. Similarly, the washing of a corpse resembles "the lifting of impurity" since death is not undone by washing the corpse.

"And the removal of filth": "Filth" refers to impurity (*najāsah*).

59 See *Lisān al-'Arab* (4/506), *Mu'jam Maqāyīs al-Lughah* by Ibn Fāriz (3/328) and *al-Mutla'* (p. 5).

60 Al-A'rāf: 82

61 Al-Tawbah: 28

62 See *al-Dar al-Naqī* by Ibn al-Mubrad (1/27).

63 Reported by al-Bukhārī (9/29) and Muslim (1/140) from the narration of Abu Hurairah.

Purification can be divided into two categories:

1. The lifting of impurities and that which resembles it.
2. The removal of filth i.e. impurities blemishing a clean place. It is also called *"al-najāsah al-hukmiyah"*.

We have stated that impurities can be tangible or intangible. The former can be grouped into:

1. *Najasah 'aynayyah* (i.e. inherent impurity): that which cannot be removed like the impurity of dogs and pigs.
2. *Al-najāsah al-hukmiyah*: where impurities blemish a clean place. An example would be a shirt soiled with urine or blood. This shirt has to be washed until the traces of urine or blood are removed.

Al-najāsah al-hukmiyah can be removed from clothes, the body and the patch/spot. It can be removed from clothes for the Prophet ﷺ ordered the menstruating woman to wash her dress if it was stained with blood.[64] When the Prophet ﷺ realised whilst praying that one of his shoes had an impurity on it, he removed it.[65] Removing it from the body is attested to by the fact that we make *istinjā* (washing of private parts after using the toilet) and *istijmār* (scrubbing the private parts by using solids like stone or paper). Removing this type of impurity from spots or patches is evident from the actions of the Prophet ﷺ. When a Bedouin urinated in the *masjid*, he ﷺ asked for a container of water and he poured it over the soiled spot.[66]

متن

والمياه ثلاثة:

64 As mentioned in the hadīth reported by al-Bukhārī (66/1), Muslim (1/166) from the narration of Asmā' bint Abi Bakr. The wording from al-Bukhārī is, "Scratch it and scrub it with water and pray wearing it."

65 Reported by Ahmad (3/20, 92) and Abu Dawūd (650) from the narration of Abu Sa'īd al-Khudrī. The wording from Ahmad is, "Verily Jibrīl came to me and informed me that on it (the shoe) was impurity."

66 Reported by al-Bukhārī (1/65), (8/14) and Muslim (1/163) from the narration of Anas. The wording in al-Bukhārī is, "A Bedouin urinated in a corner of the *masjid* and the people became angry. The Prophet forbade them. When the Bedouin had finished urinating, the Prophet asked for a container of water and poured over it [the soiled area]."

Water is of three types.[67]

"Water is of three types": After having defined purification, the author revealed that it is of two types:

1. Purification from filth which is achieved through ablution (*wudu*) [and the mandatory bath (*ghusl*)]. Ablution removes minor filth and the mandatory bath removes the major filth.
2. Purification from filth on the clothes, body and from the spot.

The author emphasises that the medium for both types of purification is water. Allah the Most High and Dignified says: **{We send down pure water from the sky}**[68] and **{He caused water to descend on you from the sky, to clean you thereby.}**[69] The wisdom of bringing forth water from the sky is for purification and the removal of filth. It is not permitted to make ablution with any liquid other than water. If a person was to make ablution with fruit juice or petrol, the ablution is not accepted for Allah has given us just one element for purification. It is water and water alone. Similarly, if a person made ablution using *nabīdh* (a sweet, wine like concoction of water and fruits)[70] it is not accepted either. This is the view of the majority of scholars as the principle states that nothing else should be used when water is readily available. Water is of three types: (i) pure water (*tahūr*), (ii) clean water (*tāhir*) and (iii) filthy water (*najis*). *Tahūr* is water that is clean and cleanses another. *Tāhir* is water that is clean but which does not cleanse another. *Najis* is water that is not permitted to be used for cleaning and purification.

متن

طهور لا يرفع الحدث، ولا يزيلُ النجسَ الطارئَ غيرُه، وهو الباقي على خِلْقته

It is pure. Nothing removes impurities and filthy stains except it. It remains pristine in its state.

This is an elaboration of the types of water:

67 See *al-Muqni'* by Ibn Qudāmah (1/17). Ibn Rizzīn added a fourth type. Shaykh al-Islam ibn Taymiyyah categorised it into two: clean and unclean. Our author corroborates this view as we shall see later.

68 Al-Furqān: 48.

69 Al-Anfāl: 11.

70 See *al-Mutla'* (p. 38) and *al-Dar al-Naqī* (2/76).

"It is pure": *Tahūr* water is pure and cleanses another.

"Nothing removes impurities and filthy stains except it": Referring to water. As we saw in the *ayāt* earlier, Allah sent it down for purification. No filth or impurity is removed except by this type of water; that is *tahūr* water. The definition of *tahūr* water is, "It remains pristine in its state," i.e. the state in which Allah created it, sweet or bitter, hot or cold, descended from the sky, pouring forth from the Earth's crevices or from melting ice.

Tahūr water is of seven types:

1. It is clean and its usage is not disliked while it is in its pristine state.
2. *Tahūr* water not encouraged for use; that is water mixed with soluble or insoluble foreign matter, for example camphor or grease that changes the attributes of pure water.
3. Water clean for women but not men.
4. Water heated together with impurities.
5. Zamzam water that cleanses impurities (*najasah*) but not filth (*hadath*).
6. Water that is used for recommended cleaning.

The above types of water shall be discussed in detail in this book.

7. Water contaminated by impurities where removing them from the water is difficult.

متن

فإن تغيَّر بغير ممازج كقطع كافور أو دهن أو بملح مائي

If it changed because of an insoluble matter like a piece of camphor, grease or sea salt.

"If it changed because of an insoluble matter like a piece of camphor, grease": That is, the foreign matter does not dissolve into the pure water but instead floats on the top like grease, oil or camphor.

"Or salt water": Salt is of two types: sea salt and mineral salt

1. Sea salt is derived from salt marshes which are created as sea waves de-

posit salt crystals. Since its origin is water, sea salt does not contaminate pure water.

2. Mineral salt is extracted from the earth's crust. Water mixed with this type of salt is discouraged for use. Water mixed with mineral salt loses its pristine state.

متن أو سُخِّنَ بنجس كُره، وإن تغير بمكثه أو بما يَشُقُّ صَوْنُ الماء عنه من نابت فيه وورق شجر، أو بمجاورة مَيْتَةٍ، أو سخن بالشمس أو بطاهر لم يكره

Or if heated up with impurities, this is disliked and if it changes due to stagnation or if preventing it from these elements of change is difficult. Like the mixing of grass or fallen leaves, or by being near a corpse, or heated by the sun or by clean things, then that is not disliked.

"Or if heated up with impurities, this is disliked": If it is heated up along with impurities, then its use is disliked. This is because some impurities evaporate with the water and this contaminates the water.

"And if it changes due to stagnation": If it changed due to prolonged stagnation so much so that it has a smell, for example an abandoned well, then the use of this water is not disliked for the reason of the change was only stagnation.

"Or if preventing it from these elements of change is difficult": I.e. if it changes due to elements that cannot be prevented. For example water in the farm will definitely be affected by trees and leaves or moss that grows in the water. The smell of water inevitably changes. The use of such water is not disliked for these changes cannot be prevented.

"Or by being near a corpse": If the smell of the water changes as a result of a corpse being near the water, then its use is not disliked for these factors of change cannot be averted from the body of water.

"Or heated by the sun or by clean things, then that is not disliked": I.e. if it changes from cold to hot water due to direct sunlight or due to being heated up by a clean fuel.[71]

71 By wood, heating with gas or electricity etc.

متن وإن استعمل في طهارة مستحبَّة كتجديد وضوء، وغسل جمعة، وغَسْلةٍ ثانية وثالثة كُرِه

If it is used for recommended cleansing like renewing the ablution or bathing for Friday prayers or the second or third bath, then it is disliked.

"If it is used for recommended cleansing": As mentioned earlier, this is the seventh type of pure water of which the use is disliked. However some do view it as unsuitable for purification. There is no doubt in the fact that something *makrūh* (disliked) can lose the status of disliked if there is a need for it.

The Hanbalī *madhab* states that if water is used for mandatory cleansing and filth is removed, it is not acceptable to use the water again.

"Like renewing ablution": What is referred to here is praying with ablution. If you wish to pray again, it is recommended that you renew your ablution as the first ablution was spent in worship.

"Or bathing for Friday prayers": It is disliked to reuse the water used for the Friday prayer for purification because it was spent in worship.

متن وإن بلغ قُلَّتين - وهو الكثير وهما خمسمائة رطل عراقي تقريباً - فخالطته نجاسةُ غير بول آدميٍّ أو عَذِرتِهِ المائعةِ، فلم تُغَيِّره، أو خالطه البولُ أو العَذِرَةُ ويَشُقُّ نَزْحُه كماءِ مصانع طريق مكة فطَهُور.

If it reaches *qullatayn*, which is approximately equivalent to five hundred *ratl Iraqi*, it is in excess. If impurities excluding human urine or faeces were to mix with this excess water and it didn't affect it and if urine or faeces mix with it and it is difficult to drain it like water in *masāni'* (that flows on the route to Makkah) the water is pure.

"If it reaches *qullatayn*, which is approximately equivalent to five hundred *ratl* Iraqi, it is in excess. If impurities excluding human urine or faeces were to mix with this excess water and it didn't affect it": If water is *kathīr* (excess), i.e. it exceeds two *qulah* (definition will be discussed shortly), and an impurity falls into it, if the colour, taste and smell remain unchanged, then the water is still pure. This is because the impurity did not have any effect on the water as it was surpassed by the sheer volume of water and was neutralised.

The exception is if the impurity was urine of human origin or human faecal matter. Both of these affect the purity of water even if it is in excess. Therefore the Prophet ﷺ forbade Muslims from relieving themselves in still water and consequently from using that water for purification.[72]

"And if urine or faeces mix with it and it is difficult to drain it": If contaminated water cannot be drained of the waste matter, then the purity of the water is maintained due to the difficulty of draining the contaminants.

"Like water in *masāni*": *Al-masāni'* is a pit that is dug out to keep fluid in it for the purpose of quenching the thirst of pilgrims who come for Hajj and 'Umrah. The pit is lined with clay and stones. If an impurity was to fall into it, the water is unaffected and remains pure. This is because it is similar to the watering holes found in the wild. The animals may relieve themselves in the water yet our Prophet ﷺ did not tell us to refrain drinking from it. When questioned about the watering hole in the wild from which animals drink, he ﷺ replied, "For it is the share of what its stomach can hold and for us is the rest."[73] He also said, "If water reaches a quantity of two *qulah*, it is not contaminated."[74]

متن

ولا يَرْفع حَدَثَ رجلٍ طَهُورٌ يسيرٌ خَلَتْ به امرأةٌ لطهارةٍ كاملةٍ عن حَدَث

And *tahūr* water not in excess does not remove the impurity of a man if a woman used it to cleanse herself from filth.

"And *tahūr* water not in excess does not remove the impurity of a man if a woman used it to cleanse herself from filth": This water is pure for women but not for men; that is water used by a woman to cleanse herself completely from filth. The Prophet ﷺ forbade a man from using the water used by a woman to cleanse herself.[75] This is one view.[76] There is another view[77] that this water is pure for both the male and female and that water used by the woman does

72 Reported by al-Bukhārī (1/68) and Muslim (1/162).

73 Reported by al-Dāraqutnī in *al-Sunan* (1/31) from the narration of Abu Hurairah.

74 Reported by Ahmad (2/12, 27), Abu Dawūd (63), al-Tirmidhī (67), al-Nasā'ī (1/46) and Ibn Majāh (517) from the narration of Abu Hurairah.

75 Reported by Ahmad (4/213), Abu Dawūd (82) and al-Tirmidhī (64) from the narration of al-Hākim ibn 'Amr al-Ghaffārī.

76 See *al-Insāf* by al-Mardawī (1/47-48).

77 Ibid

not affect the purity of the water. The evidence is that one of the wives of the Prophet ﷺ bathed from a bathing trough. Then the Prophet ﷺ came to take a bath after her. She said, "Indeed I bathed with this water because of greater impurity (*janābah*)." He replied, "Verily water does not turn impure."[78] Perhaps this hadīth is abrogated by the former hadīth or the former hadīth signifies dislike. However, the latter hadīth points to permissibility.[79]

متن وإن تغيَّر لونُه أو طعمُه أو ريحُه بطبخٍ أو ساقطٍ فيه، أو رُفِع بقليله حَدَثٌ

If the colour, taste and smell changes due to cooking it or a foreign object falling into it or if it was used to remove filth.

The fourth type of *tahūr* is called *"al-maghsūb"* i.e. stolen water. It is pure water but it is not permissible for men or women. It is not to be used for purification by either gender. This is because it is someone else's property. The Prophet ﷺ said: "No property of a Muslim is permissible to others except that which is given in good will."[80] This stolen water is pure but it is forbidden for use by others.

"If the colour, taste and smell changes due to cooking it or a foreign object falling into it": We have moved to the second type of water; that is *tāhir* (clean water that does not purify another). It is water where a clean foreign element is put in it on purpose for example placing a tree into it. It changes from being pure water to water that is clean in essence. It however cannot cleanse. An example of this would be water cooked with something that is clean. The attributes of the water change, hence becoming *tahir*. When something filthy is put into it, the water becomes impure.

"Or if it was used to remove filth": If a man makes ablution or takes a bath to cleanse himself from greater impurity, water droplets that flow from his body are clean but cannot be used for cleaning. The water should not be re-used for

78 Reported by Ahmad (1/235, 237), Abu Dawūd (68), al-Tirmidhī (65), al-Nasā'ī (1/173) and Ibn Mājah (370) from the narration 'Abdullah ibn 'Abbās and Ahmad (6/129) from the narration of 'Aishah.

79 This is the preferred view of Ibn Taymiyyah as mentioned in *al-Ikhtiyarāt al-Fiqhiyah li ibn Taymiyyah* by Ba'lī (p. 3).

80 Reported by Ahmad (5/73), al-Dāraqutnī in *al-Sunan* (3/26) from the narration of Abu Hirah al-Riqāshī from his uncle.

it has already served the purpose of removing filth.

متن أو غُمِسَ فيه يدُ قائم من نوم ليلٍ ناقضٍ لوضوء، أو كان آخرَ غَسْلةٍ زالت النجاسة بها فَطَاهِرٌ

Or in which a person dipped his hands after waking up in the morning from a deep sleep that nullifies ablution or if it was [used for] the final wash that completely removed impurities, then it is *tāhir*.

"A person dipped his hands after waking up in the morning from a deep sleep that nullifies ablution": I.e. [they were dipped into the bowl] before the individual washed them. The Prophet ﷺ said, "If one of you wakes up from his sleep, do not dip your hands into the bowl [of water] until you wash your hands three times for verily you do not know where your hands were [during sleep]."[81]

If a person contradicts the instruction in this *hadīth* and dips his hands before washing, the water loses its property to cleanse. That is if the container is small. However water in a large container or a pool of water is not affected by this action as it is excessive water. Similarly, water remains pure if unwashed hands are dipped after a siesta or a short nap at night that does not nullify ablution.

"Or it was the final wash that completely removed impurities, then it is *tāhir*": This is the type of washing which does not leave any trace of impurity (*najāsah*). As for the type of washing which does not completely remove impurities from the place washed, the container of water becomes impure. This is because the water came into contact with an impure surface and flowed off of it.

Tāhir water is of three types:

1. That which is altered as a result of being cooked.
2. That which is altered as a result of putting a clean object into it.
3. The final wash that removes impurity from a stained area.

متن والنَّجَسُ: ما تغيَّر بنجاسة، أو لاقاها وهو يسير، أو انفصل عن محل نجاسة قبل زوالها

81 Reported by al-Bukhārī (1/52) and Muslim, worded differently (1/160) from the narration of Abu Hurairah.

And *al-najas* is: water that was altered with impurities, water when less in quantity [i.e. less than *qullatayn*] that changes due to contact with impurity and that which has separated from a stained area before the impurity was removed.

"And *al-najas* is": Water that has an altered colour, taste or smell as a result of an impurity falling into it. It is a consensus of all scholars[82] that this will render water impure regardless if the impurity drops into a large or small quantity of water. The Prophet ﷺ said, "Verily water is pure, nothing can make it impure except that which alters its colour, taste or smell."[83] In another narration he said, "[…] By impurities that make it filthy."[84]

Though this hadīth is disputed, the scholars collectively agree on its content. Hence we conclude that water is of three types, pure, clean and impure. This is the conclusion in the *madhab*[85]. However the correct opinion is that water is of only two types: pure and impure[86]. *Tāhir* water that has been mentioned is also included in the category of pure water so long as its properties are unchanged and it is still termed water. Tea, vinegar and wine are excluded.

[To summarise,] impure water (*al-najās*) is of three types:

1. That which is altered by impurity.
2. The small quantity which comes into contact with impurity.
3. That which departs from the stained area before impurity is totally removed.

"That which is altered by impurity": This is universally agreed upon.

"The small quantity which comes into contact with impurity": However its characteristics remain unchanged. There is *ikhtilaf* pertaining to its purity. The majority of scholars opine that it is pure as long as its characteristics remain

82 See *al-Ijmā'* by Ibn al-Mundhir (p. 33).

83 Reported by Ibn Mājah (521) from the narration of Abu Umāmah al-Bāhilī.

84 Reported by al-Bayhaqī in *al-Sunan al-Kubrā* (1/259-260).

85 See *al-Muqni'* by Ibn Qudāmah (1/17).

86 Preferred view of Shaykh al-Islam ibn Taymiyyah as stated in *Majmū' al-Fatāwā'* by Ibn Qāsim (19/236).

unchanged. This is the correct opinion as the impurity is viewed as minute due to it having no impact upon the water's colour, taste or smell.

متن

فإن أضيف إلى الماء النَّجِس طَهُورٌ كثيرٌ غير تراب ونحوه، أو زال تغيُّر النَّجِس الكثير بنفسِهِ أو نُزِحَ منه فبقي بعده كثير غير متغير طَهُرَ.

If impure water is infused with a great amount of pure substance (besides sand and substances like it), or if the change brought about by impurities to excess water disappears by itself, or if it is drained [of impurities] and it appears [free of] change whilst maintaining the excess quantity, then this water is pure.

"If impure water is infused with a great amount of pure substance (besides sand and substances like it), or if the change brought about by impurities to excess water disappears by itself, or if it is drained [of impurities] and it appears [free of] change whilst maintaining the excess quantity, then this water is pure": After having categorised water, the author discussed the issue of purifying impure water. It is done in three ways:

1. If a large quantity of water is added to it, thereby making it excess in quantity. Since impurity is neutralised by sheer volume, the water is no longer considered to be of lesser quantity, rather it is an excess quantity where changes to it disappear and so it becomes pure.
2. The change brought about by impurities to excess quantity water disappears by itself. It is once again pure for there is no trace of any change in the water. However, if the disappearance of these changes are brought about by treating the water (with chemicals etc.), it is still impure even though it appears like pure water. It is argued that the impure water, for example sewage, when treated is in fact pure. Scholars refute this citing that any reversal in changes to the water were brought about artificially by man. The change to the water did not disappear by itself so it is not pure. However, it can be used to water trees and flowers in the garden.
3. The third aspect: to drain the water away such that what remains is water in excess that is free of change. Impure water drained of its impurity becomes *tahūr*.

"Besides sand and substances like it": Or anything comprising of sand e.g. stone, brick, earth and its derivatives or liquids. If any of these were added

to excess water that is impure, it would not become pure as a result. This is because these substances cannot prevent impurity from themselves let alone prevent it from other substances.

متن وإن شكَّ في نجاسة ماءٍ أو غيره أو طهارتهِ بنى على اليقين

If a person is doubtful about the purity of water or any other substance, he should gravitate towards that which he is confident in.

"If a person is doubtful about the purity of water or any other substance, he should gravitate towards that which he is confident in": This is based on the Islamic principle that *yaqīn* does not depart due to doubt. As long as you are confident that something is clean, doubts arising about its impurity cannot render that thing impure. Similarly, if you are confident that a thing is impure, doubts that you might have that it could be pure will not render it pure. A person who knows for sure that he is in a state of *wudhū* and thereafter has doubts, he remains in a clean state, his doubts withstanding. Whoever is sure that he is in an impure state, cannot become clean by merely having suspicions that he might be maintaining his *wudhū*.

متن وإن اشتبه طهورٌ بنجسٍ حرُم استعمالُهما، ولم يتحرَّ، ولا يشترط للتيمم إراقتُهما ولا خَلْطُهما، وإن اشتبه بطاهر توضّأ منهما وضوءاً واحداً: من هذا غرفة ومن هذا غرفة، وصلى صلاةً واحدةً

If there is confusion [as to which of two containers] has pure or impure water, it should not be used. It is not binding on one to investigate. Neither is it a condition to pour it away or mix both of them, he can just proceed to perform *tayammum*. If clean water [in a container] is confused [with another container] of pure water, one should make *wudhū* once by taking an alternate handful of water from each container. He is then allowed to only perform one prayer with it.

"If there is confusion [as to which of two containers] has pure or impure water, it should not be used": One may wonder how confusion can arise when impure water would have an [apparent] change in at least one of its properties like the colour, smell or taste. To explain this we must focus on the quantity. Water less in quantity (*qalīl*) is considered impure if *najas* falls into it, even if

its properties do not change. Hence one can face difficulty distinguishing this type of water from pure water. Hence he cannot use it and *tayammum* is the next resort as he is now considered as having no water at all.

"It is not binding on one to investigate": This action is not appropriate in this circumstance and it cannot neutralise the impurity of the water.

"To pour it away or mix both of it": Mixing pure water with impure water only ensures the impurity of both containers. One should also not pour it away as it can be used for other means besides *wudhū* or *ghusl* such as drinking etc.

"If clean water [in a container] is confused [with another container] of pure water": In this case, one can use both containers having conviction that both are *tahūr*.

"One should make *wudhū* once by taking an alternate handful of water from each container": This is so that the intention is in tandem with the use of water.

متن وإن اشتبهت ثيابٌ طاهرةٌ بنجسةٍ أو بمحرمةٍ صلَّى في كل ثوبٍ صلاة بعدد النَّجِس أو المُحَرَّم وزاد صلاةً

If you cannot distinguish between a clean garment and a dirty or prohibited one, repeat the prayer in all the dirty garments and then add one more prayer.

"If you cannot distinguish between a clean garment and a dirty one": If a clean garment and a dirty one cannot be differentiated, repeat your prayer in all garments such that you are convinced that one prayer was indeed done wearing the clean garment.[87] For example if you have three clean garments and three dirty ones, perform the prayer four times; each time in a different garment so there is a sure probability that you prayed at least once in a clean one.

"Or [a] prohibited one": [This refers to the scenario of] not being able to differentiate between a stolen garment and one that belongs to you.

87 See *al-Mughnī'* (1/68).

The correct view[88] is that in the first matter mentioned above, one should examine and pray in the garment that he is most confident of in terms of its cleanliness In the second matter, he should pray in the garment that he has most confidence in that it belongs to him and is not stolen.

88 As agreed in the *madhab* of Abu Hanīfāh and al-Shāfi'ī. Ibn Taymiyyah preferred this view. See *al-Inṣāf* (1/77).

باب الآنيـة

CHAPTER: VESSELS

متن كل إناء طاهرٍ -ولو ثميناً-، يباح اتخاذُه واستعمالُه، إلا آنيةَ ذهبٍ وفضَّة ومُضَبَّباً بهما، فإنه يَحْرُم اتخاذُها واستعمالُها ولو على أنثى

Every vessel which is clean can be used even if it is expensive, except vessels made from gold or silver or plated with these two [materials]. Verily their use is forbidden even for females.

"Chapter on vessels": Since water is liquid, a container is needed to hold it. It can be made of steel or any material including skin or leather.

"Every vessel which is clean can be used even if it is expensive, except vessels made from gold or silver": The forbidden materials for use as vessels are gold and silver. They are not to be used for holding water, boiling it or as pitchers to hold drinking water. Their use is forbidden for Muslims for purification or anything else. Any other material is allowed to be used as a vessel, praise be to Allah, even if it is an expensive material like diamond or emerald. This is because everything is permissible unless there is evidence to the contrary. There is evidence indicating the fact that gold and silver are *harām*. The Prophet ﷺ said, "Do not drink from gold or silver vessels and do not eat from a platter made from these two. Verily it is for them (disbelievers) in this world and permissible for you in the Hereafter."[89] He ﷺ also said, "Whoever drinks from a vessel made from gold or silver will indeed be dragged on his stomach in the

89 Reported by al-Bukhārī (7/99) and Muslim (6/134) from the narration of Hudhaifah ibn al-Yamān.

Hellfire."[90]

Hence gold and silver are totally forbidden. They are not even allowed to be made into a staff[91] or an art piece due to the excess and arrogance this represents. This was also a practice of the disbelievers. It is not permissible to take a vessel made from gold or silver let alone use them. It is *harām* for both genders, although wearing jewellery made of these two substances is allowed for females.

"Or plated with these two [materials]": This is an example to illustrate the prohibition. Any vessel containing something of these two materials is considered *harām* except if there is any evidence to the contrary.

متن

وتصحُّ الطهارةُ منها، إلا ضَبَّةً يسيرةً من فضَّة لحاجة

Cleansing from it is valid. [It is forbidden on ornaments] except a sewing kit made of traces of silver used when there is a necessity.

"Cleansing from it is valid": If an individual makes *wudhū* from a gold or silver vessel, then it is valid as it fulfils all the criteria for validity and does not possess properties that nullify it. However he is sinful for using it.

"Except a sewing kit made of traces of silver used when there is a necessity": There is an exception to the prohibition in one situation: a sewing kit made of silver to fix vessels. Two nails or a strap (which makes up the sewing kit) is used to mend the hole in the vessel. This is permissible as was shown by the Prophet ﷺ. He mended his drinking cup with straps of silver.[92] The requirements for this are:

1. It must be a sewing kit.
2. It must be of silver and not gold. As the example of the Prophet specifically mentions silver.
3. It must have a small portion of silver. If it contains a lot then it is for-

90 Reported by al-Bukhārī (7/146) and Muslim (6/134) from the narration of Umm Salamah.

91 It was said in *al-Sihāh*: "A staff such as the cattle prod and its like. The prohibition is for one to make the staff with gold and silver for his personal use, not for trade." (6/2467)

92 Reported by al-Bukhārī (4/101) from the narration of Anas.

bidden.

4. It is used for a necessity (i.e. to mend the vessel) and not for adornment.

متن

وتُكره مباشرتُها لغير حاجة

Unnecessary contact with the silver is disliked.

"Unnecessary contact with the silver is disliked": Although the sewing kit is permissible for use when there is a need, the lips coming into contact with the area fused with silver is disliked. This is in line with the general prohibition of using silver.

متن

وتُباح آنيةُ الكفار ـ ولو لم تحلَّ ذبائحُهم وثيابُهم ـ إن جُهل حالُها

Vessels belonging to disbelievers are permissible even though their slaughtered meat is forbidden. Their clothes are permissible if their status is unknown.

"Vessels belonging to disbelievers are permissible even though their slaughtered meat is forbidden. Their clothes are permissible": Indeed it is permissible as this is the basic rule. The Muslims came to own properties of the disbelievers during wars which included vessels. The Muslims made use of them as well. We have been importing vessels, clothes and manufactured goods from the disbelievers up to this day. It has never been mentioned anywhere that the Muslims used to wash these before using them. Similarly, they used to don the clothes of disbelievers without washing them. They did so only if the clothes had impurity on them. This is because the basic rule is that they are permissible. The human body, be it of a Muslim or disbeliever, is pure. What grows from it, like perspiration, saliva, hair, teeth and nails is also pure. What afflicts the disbeliever is an intangible impurity, the impurity of associating partners with Allah (*shirk*), not a tangible one.

"If its status is unknown": Referring to the clothes, as the basic rule is permissibility. In some of his journeys, the Prophet ﷺ used a water bag belonging to a polytheist woman to make *wudhū*. So in conclusion, the vessels belonging to the disbelievers whose meat is impermissible (e.g. the *mushrikīn*) can be used without any reservations, just like those belonging to the Jews and Christians (whose meat is permissible).

متن ولا يَطْهر جِلْدُ مَيْتةٍ بدباغ، ويباح استعمالُه بعد الدبغ في يابس إذا كان من حيوان طاهر في الحياة

And the skin of a carcass does not become pure due to tanning. However it is permissible for use after tanning is done on the dry skin of an animal which was pure before death.

The subject of the skin of carcasses needs more elaboration:

Firstly, the skin of an animal whose meat is not *halāl* like a donkey or a dog, its skin should not be used as it is essentially impure. It does not attain purity by tanning or any other methods. The skin of lions and snakes cannot be used even if tanned. They are essentially impure.

Secondly, if it is an animal whose meat is *halāl* for consumption and it dies of something besides slaughter, then its meat is *harām*. Allah the Most High and Dignified says: **{Forbidden to you is that which dies of itself.}**[93] This ayah includes the skin of the animals too as it is a part of it. The author made an exception for tanned skin due to evidence from the hadīth where the Prophet ﷺ was reported to have seen a dead sheep being dragged and said, "Will you not use the skin?" The Companions said, "O Messenger of Allah! It is dead." He replied, "It is purified by water and *al-qaraz*[94]."[95] In this hadīth he was referring to tanning. In another hadīth the Prophet ﷺ said, "Whenever skin is tanned, it becomes pure."[96] This is evidence that the skin of a dead animal whose meat is *halāl* for consumption, can be used after tanning. However, there is another hadīth narrated by 'Abdullah ibn 'Ukaym ؓ that the Prophet ﷺ said: "Do not use the dead animal's skin or sinews."[97] This hadīth was reported during the latter part of the Prophet's life, hence it is the latest with regards to the issue of the skin of dead animals. If this hadīth was authentic, it would abrogate the hadīth allowing the use of tanned skin of the carcass.

93 Al-Mā'idah: 3

94 It is said in *al-Lisān*: "*Al-qaraz* is a tree which is used in the tanning process. It is a leaf used in skin-tanning... Abu Hanīfah says, '*Al-qaraz* is the best substance used for tanning the skin in the Arab lands. Both the leaf and the fruit of the tree is used in the tanning process.'" (7/454)

95 Reported by Abu Dawūd (4126) and al-Nasā'ī (7/174) from the narration of Maymūnah.

96 Reported by Muslim (1/119), Abu Dawūd (4123), al-Tirmidhī (1728) and al-Nasā'ī (7/173) from the narration of 'Abdullah ibn 'Abbās.

97 Reported by Ahmad (4/310), Abu Dawūd (4127), al-Tirmidhī (1729) and al-Nasā'ī (7/175) from the narration of 'Abdullah ibn 'Ukaym.

However, this hadīth is not authentic. Therefore it remains that the tanned skin of a carcass can be used.

This provides evidence to the purity of cattle skin (camel, cow and sheep) and that it is permitted for use when it is wet or dry, the author's view notwithstanding. The correct opinion is that it is pure without exception as the Prophet ﷺ has said, "It is purified by water and *al-qaraz*," and his saying, "Whenever skin is tanned, it becomes pure." In another hadīth, the Prophet ﷺ said, "Cauterising a dead animal's skin is like tanning it."[98] Proving yet again the complete permissibility of using the skin of dead cattle.

"And the skin of a carcass does not become pure due to tanning": This is in the *madhab* of Ahmad. However as we have discussed, the skin of the cattle is *tahūr* without a doubt.

متن وعظمُ الميتةِ ولبنُها وكلُّ أجزائِها نجسةٌ غير شَعر ونحوه، وما أُبين من حيٍّ فهو كميتته

The bones, milk and all other parts of an animal carcass are impure except the hair and other things similar. A portion [of flesh] from a live animal is like meat from a dead carcass.

"The bones, milk and all other parts of an animal carcass are impure": The focus now shifts from skin to the rest of the carcass. Its bones are *najis* as they are part of the carcass. This applies to all other parts of a carcass including the horns and its hooves. Allah the Most High and Dignified says: **{Forbidden to you is that which dies of itself.}**[99] Those parts integral to sustaining the animal's life becomes *najis* upon its death.

"Except the hair": Hair is exempt from this prohibition as it is a part of the body that does not sustain the animal's life.

"And other things similar": For example, feathers of a bird. If it dies, its feathers can be taken for use as feathers are not integral to sustaining the bird's life. However, an egg still within a chicken's dead body is considered *haram* for consumption and it is *najis* as it is considered a part of the dead chicken.

98 Reported by Ahmad (7/174) from the narration of 'Aishah.

99 Al-Mā'idah: 3

"A portion [of flesh] from a live animal is like meat from dead carcass": Exceptions would be the fish and locust which can be eaten without slaughtering according to Islam. The Prophet ﷺ said, "It is permitted for us to eat two dead things: the fish and the locust."[100] If a piece of flesh is torn from a locust whilst it is still alive, it is *halāl* for even the dead locust is *halāl*. The same applies to fish. The Prophet ﷺ mentioned the aforementioned hadīth because when he arrived at Madīnah, he noted that the dwellers there cut off and ate pieces of flesh from animals that were alive. So he said in another narration, "Whatever is cut off of a cattle which is alive, then that portion is like the meat of a carcass."[101]

100 Reported by Ahmad (2/97) and Ibn Mājah (3218) from the narration of 'Abdullah ibn 'Amr.

101 Reported by Ahmad (5/218), Abu Dawūd (2858), al-Tirmidhī (1480) from the narration of Abu Hurairah.

باب الاستنجاء

CHAPTER: ISTINJĀ'

"*Istinjā'*": It linguistically means cutting[102]. Technically, it means to remove the traces of urine or faecal matter. These are impurities and can be removed either by water, which is called *istinjā'*, or by using stone, which is called *istijmār*, which we will explain shortly.

It is forbidden for one to leave the traces of urine and faecal matter on the private parts and then proceed to pray. He has to remove these traces by the two methods mentioned above. If he does pray in this impure state, then his prayer is null and void.

متن

يُستحب عند دخولِ الخلاء قولُ: (بسم الله، أعوذ بالله من الخبث والخبائث)

When entering the toilet, it is encouraged to say, "In the name of Allah, I seek refuge in Allah from the evil ones, male and female."

Since excretion and urination is inevitable, one has to have a place to carry out the removal of waste. He cannot do this anywhere he wishes like an animal. Allah has dignified man and made him seek a designated place for this. This dignity was bestowed to the son of Adam by Allah ﷻ. This place that we mentioned is of two types: open space or inside a structure. If one has to answer the call of nature within a structure, it is encouraged that he read the following supplication before he enters the place, "*Bismillāhī a'uwthu billahī min al-khubuth wa al-khabā'ith*" (In the name of Allah, I seek refuge in Allah

102 It also means "to raise above ground" so as to sit on an elevated place. See *al-Lisān* (15/307).

from the male and female evil one). This refuge is sought as the toilet is the abode of Shaytān. It befits him that he lives in a dirty place. Jinns too dwell therein. If one enters without saying the supplication, he can be taunted by the shaytān. Indeed the supplication is a protection from his taunting. So seek your protection by supplicating to Allah the Most High and Dignified. Do not say [to begin the *du'ā*], "*Bismillah al-Rahmān al-Rahīm*" (i.e. "The Most Merciful, the Especially Merciful"). Just keep it to what is mentioned in the supplication performed by the Prophet ﷺ, "In the name of Allah ("*Bismillāh*"), I seek refuge in Allah from the male and female evil one."[103]

"Evil one": It can be read as "*khubuth*" or "*khubth*". Read either way the supplication refers to seeking refuge from male and female shaytān or from Shaytān and his family and minions.

متن وعند الخروج منه: (غُفرانَك. الحمد لله الذي أذهب عنِّي الأذى وعافاني)

And when leaving the toilet say, "*I seek Your forgiveness. All praise be to Allah who removed harm from me and gave me vitality.*"

"*Al-ghufrān*": This is the concealment of sins and forgiveness for it. A question one may ask is, "Was there a sin committed by entering the toilet such that you have to seek forgiveness? What is the reason?" The reason, and Allah knows best, is the absence of *dhikr* (remembrance) of Allah whilst inside the toilet. The Prophet ﷺ used to remember Allah every single moment[104] except when he was in the toilet. Hence he sought forgiveness for this shortcoming. It highlights to us that we should remember Allah often and not be heedless of His presence.

"*Alhamdulillah*": It is the praising of Allah ﷻ for the blessings bestowed. That is the removal of harmful waste from our bodies. If it were retained in our bodies for too long, we would perish. So it is a blessing indeed.

متن وتقديمُ رِجْلِه اليُسرى دُخولاً واليُمنى خُروجاً، عكس مسجد ونعل

And put forth your left leg first when entering it and right leg when leaving

103 Reported by al-Bukhārī (1/48) and Muslim (1/195) from the narration of Anas ibn Mālik.

104 Reported by Muslim (1/194), Abū Dawūd (18) and al-Tirmidhī (3384) from the narration of 'Aishah.

it. This is in contrast to entering the *masjid* and the wearing of footwear.

"And put forth your left leg first when entering it and right leg when leaving it": This is the etiquette of entering the toilet. The Prophet ﷺ used to do it this way. He used to put forth his right leg to indicate the bestowal of honour and the left leg to indicate aversion from harm.[105] The aversion from harm in this case is the release of bodily waste and the bestowal of honour is due to leaving the place of release.

"This is in contrast to entering the *masjid*": We enter the *masjid* with our right leg first as it is a blessed place of worship and we leave it exiting with our left leg first for the public places distract us from the remembrance of Allah and promote heedlessness of His presence.

"And the wearing of footwear": It is a Sunnah to wear the right shoe before the left. The Prophet used to prioritise the right leg when wearing his footwear.[106]

متن

وبعدُه في فضاء واستتارُه، وارتيادُه لبولـه موضعاً رخواً

One distances himself when in an open space. He screens himself and chooses soft ground that can absorb his urine.

This is an explanation of the etiquette of answering the call of nature in an open space.

"One distances himself when in an open space": Whenever the Prophet ﷺ answered the call of nature in an open space, he would distance himself from people. He did not do it where people could see him.[107]

"He screens himself": One should never sit in the open to relieve himself. Instead he should sit behind a boulder or tree, using it as a screen. This was the

105 Reported by Ahmad (6/265), Abu Dawūd (34) from the narration of 'Aishah.

106 Reported by al-Bukhārī (1/53, 166) and (7/89) and Muslim (1/155) from the narration of 'Aishah where she said, "The Prophet ﷺ used to prioritise the right side while wearing footwear, combing his hair, when cleansing and in all of his affairs."

107 Reported by al-Bukhārī (1/101, 108) and (4/50) and Muslim (1/158) from the narration of Mughīrah ibn Shu'bah who said, "I was with the Prophet ﷺ on a journey when he said, 'O Mughīrah! Give me the pot.' Then he walked far away from me and answered the call of nature."

manner of the Prophet ﷺ.

"And chooses soft ground that can absorb his urine": He chooses soft ground where urine can permeate into it, avoiding hardened earth that can cause a splashing of urine upon contact. The Prophet ﷺ informed us about two men who were tormented in their graves, he said, "They were not tormented due to something major." Though serious actions, they could have been easily avoided had the men paid attention to this. He ﷺ continued, "One of them did not screen himself from urine." In another narration, "Did not protect himself from urine," and the rest of the hadīth is, "The other used to go about slandering people."[108] This point should be given heed whenever one answers the call of nature. Being stained by urine is a disastrous thing. It can lead to torment in the grave as the Prophet ﷺ specifically mentioned in a hadīth, "Protect yourselves from the urine for verily it is the most common cause for torment in the grave."[109]

متن ومسحُهُ بيده اليسرى إذا فَرَغَ من بوله من أصل ذَكَرِه إلى رأسه ثلاثاً، ونَتْرُه ثلاثاً، وتحوُّلُه من موضعه ليستنجي في غيره إن خاف تلوثاً

And the penis is to be rubbed with the left hand after all urine has left the penis, thrice from the bottom to the tip. Then shaken three times. He should change his direction to cleanse himself on a different spot if there is a chance of staining.

"And the penis is to be rubbed with the left hand after all urine has left the penis, thrice from the bottom to the tip": It is a possibility that some urine remains within the penis. To rectify this, a man can force it out by holding the bottom of his penis and rubbing it upwards to the tip. He should keep repeating this until no urine can be seen coming from the penis. This is so that his ablution is not nullified and he is not stained by *najas*.

"Then shaken three times": This is to expel whatever remnants of urine are left in the penis. This [statement] is peculiar. It is said that when you force urine out, it keeps coming and if you leave it, then it stops completely. So shaking it

108 Reported by al-Bukhārī (1/64, 65) and (2/119) and Muslim (1/166) from the narration of 'Abdullah ibn 'Abbās.

109 Reported by al-Hākim in *al-Mustadrak* (1/183) and al-Dāraqutnī (1/128) from the narration of Abu Hurairah.

could possibly remove remnants of urine but it could also bring about doubt [as to whether one is completely free of urine]. It is best that one leaves this habit. An exception would be when a person has a blockage that impedes the free flow of urine from the penis. In this case, he should shake it to force urine out. A person without such a medical problem should forgo this practice completely.

"He should change his direction to cleanse himself on a different spot if there is a chance of staining": From the etiquette of answering the call of nature is that when one intends to clean himself with water or stone, he turns to another direction from the point where the soiling was done. This is because the water or stone used can cause splashing or staining of the *najasah* on the body. However, if this cannot occur, like in the modern toilet then one does not have to change directions to cleanse himself.

متن

وَاعْتِمَادُهُ عَلَى رِجْلِهِ الْيُسْرَى. ويكره دخوله بشيء فيه ذكر الله تعالى، إلا لحاجة، ورفعُ ثوبه قبل دُنُوِّه من الأرض، وكلامُهُ فيه، وبولُه في شَقٍّ ونحوِه

He should lean on his left leg. It is disliked to bring into the toilet any article that has Allah's name on it except when necessary, to raise his robe before approaching it, speaking when inside the toilet and urinating into a hole or its equivalent.

"He should lean on his left leg": This is one of the etiquettes of answering the call of nature. It is said that removal of waste from the body is more convenient and speedy if one leans to the left side.

"It is disliked to bring into the toilet any article that has Allah's name on it": Like a ring or pieces of paper that have Allah's name on them. Wherever possible, a person should remove these and only then enter the toilet. The Prophet ﷺ used to remove his ring before entering toilet[110] as it had the name of Allah on it.

"Except when necessary": If a person fears that it might be stolen if left unattended, he is allowed to bring it in. If it is a ring that has Allah's name on it, he should rotate it inwards especially if it is set with a stone. He should turn it to

110 Reported by Abu Dawūd (19), al-Tirmidhī (1746), al-Nasā'ī (8/178) and Ibn Mājah (303) from the narration of Anas.

face the inner palm in an effort to hide it.

"To raise his robe before entering it": This is yet another etiquette. A person should not raise his clothes and reveal his private areas (*awrah*) before approaching the toilet. The *awrah* is an obligation which needs to be covered at all times except when necessary. Lifting one's clothes before approaching the toilet is unnecessary.

"Speaking when inside the toilet": One should not talk when inside the toilet as this is bad manners. He should be silent until he leaves the toilet. If someone were to greet him, he should not reply. Once a man greeted the Prophet ﷺ while he was urinating and he did not reply to him.[111]

"And urinating into a hole or its equivalent": One should not urinate into a hole in the ground like the nests of insects for this will cause harm to the insects or it could very well be the dwelling place of *jinn*.[112]

متن **ومسُّ فرجـه بيمينه واستنجاؤُه واستجمارُه بها، واستقبال النَّيِّرَيْن. ويَحْرُم استقبالُ القبلة واستدبارُها في غير بنيان**

[It is also disliked] to touch ones private parts with the right hand or to cleanse oneself with it, and to face *nayarayn* whilst relieving oneself. It is forbidden to face the *qiblah* or to turn ones back towards the *qiblah* whilst relieving oneself in the open.

"To touch ones private parts with the right hand or to cleanse oneself with it": The Prophet ﷺ said, "One should not touch his private parts with his right hand while urinating and one should not wipe filth with his right hand."[113] It befits not that the right hand be used to touch the private parts or to wipe away impurity during *istinjā* or otherwise. Only the left hand should be used for these purposes.

111 Reported by Muslim (1/194), Abu Dawūd (16), al-Tirmidhī (90), al-Nasā'ī (1/35) and Ibn Mājah (353) from the narration of 'Abdullah ibn 'Amr.

112 It was reported by Abu Dawūd (29), al-Nasā'ī (1/33) that Qatādah narrated from 'Abdullah ibn Sarjas that the Prophet forbade Muslims from urinating into holes. The people asked Qatādah why this was so. He replied, "It was said that it is the abode of the Jinn."

113 Reported by al-Bukhārī (1/50), Muslim (1/155) from the narration of Abu Qatādah.

"To face *nayarayn*": That is the sun and the moon. The correct opinion is that it is permissible to do so. This is because there is no evidence to prove that it is disliked or forbidden. In fact the Prophet ﷺ said to the people of Madīnah: "Do not face the *qiblah* when you urinate or defecate but turn to the east or the west."[114] It is known that the moon and the sun rise and set in the east and west.

"It is forbidden to face the *qiblah* or to turn ones back towards the *qiblah* whilst relieving oneself in the open": To face the *qiblah* (the direction facing the *Ka'bah* in Makkah) whilst relieving oneself is forbidden. This is the case only if one answers the call of nature in the open. If it is done within a building or behind a screen or wall, there is a difference of opinion amongst the scholars.[115] This is because the hadīth above does not specify a building or open space but there is a general forbiddance. However, there are other ahadīth that prove that the Prophet ﷺ did answer the call of nature facing al-Shām; which means that he was facing his back towards the Ka'bah.[116] This was within a building. This hadīth is specific compared to the general prohibition stated by the Prophet ﷺ when he said: "Do not face the *qiblah* when you urinate or defecate." This could have referred to doing so in the open whilst excluding the action done in a building. The scholars who held the view that it is permissible to face the *qiblah* if one relieves himself in a building bring forth as evidence that the Prophet faced al-Shām, as in the above hadīth. This is the view of the author. The second opinion states that it is prohibited to face the *qiblah* even if one is within a building[117] as in the hadīth narrated by Abu Ayūb ؓ, "Do not face the *qiblah* when you urinate or defecate but turn to the east or west." Abu Ayūb added, "We went to al-Shām and saw toilets built facing the *qiblah*. We sought Allah's forgiveness and turned our direction."[118]

متن **ولُبْثه فوق حاجته، وبولُهُ في طريق وظِلٍّ نافع وتحت شجرة عليها ثمرة**

114 Reported by al-Bukhārī (1/48, 109) and Muslim (1/154) from the narration of Abu Ayyūb al-Ansārī.

115 Ibid

116 Reported by al-Bukhārī (1/48) and (4/100), Muslim (1/155) , al-Tirmidhī (11) and Ahmad (2/12, 13) from the narration of Ibn 'Umar.

117 See *al-Kāfi'* (1/50) and *al-Furū'* (1/111).

118 Reported by al-Bukhārī (1/109), Ahmad (5/421), al-Tirmidhī (8) and al-Nasā'ī (1/22) from the narration of Abu Ayūb al-Ansārī.

[It is prohibited to] stay in the toilet longer than necessary, urinate in pathways, in shaded places and under fruit-bearing trees.

"[It is prohibited to] stay in the toilet longer than necessary": This prohibition is due to the unnecessary prolonging of exposure of the *awrah*.

"Urinate in pathways": Among the etiquettes of answering the call of nature is avoiding places that are popular and frequented by people like pathways. Doing so will harm people.

"In shaded places": I.e. places where people gather and enjoy the shade. It is strictly forbidden to relieve oneself in these places. The Prophet ﷺ cursed those who do so. He said, "Fear the two accursed!" The Companions of the Prophet asked, "And who are the two accursed O Messenger of Allah?" He ﷺ replied, "Those who answer their call of nature upon people's paths and upon their shaded places."[119] There is another accursed type of person we should mention[120]: those who urinate in the people's water source or at the edge of the river from which people draw water. These acts cause great harm to the people.

The Muslim has a high degree of manners and his humility and modesty are beyond par. They are also very observant when preserving the rights of others, taking special precautions not to cause anyone harm or to be unjust with them. A lot of people in our present times do not care about fellow park users. They violate the resting places of travellers on highways who take much needed rest so that they can continue their journey safely. This heedlessness to another person's wants and needs justifies a curse. The victim's curse often becomes realised as it is a supplication against one who is unjust. Therefore it is incumbent upon every Muslim to preserve public places thereby not being a source of discomfort to others. Muslims in present times praise the disbelievers, that they preserve and beautify their countries, keeping them functional and clean. They are in fact practicing Islam. This *dīn* came to preserve the rights of the masses and forbade the desecration of public amenities. Regrettably, some ignorant and brash Muslims do not take heed of this. Subsequently, such thoughtless deeds are attributed to Islam [by its enemies.]

119 Reported by Muslim (1/156), Ahmad (2/372), Abu Dawūd (25) from the narration of Abu Hurairah.

120 Hadīth regarding the third accursed. Reported by Ahmad (1/99) from the narration of Ibn 'Abbās and Abu Dawūd (26), Ibn Mājah (328) from the narration of Mu'ādh ibn Jabal.

This ignorance should be abolished by informing the people of the dangers inherent in desecrating the rights of people and abuse of public amenities. Friday sermons should preach this issue. Newspapers and magazines should carry this message in their columns and articles. A propagation of civic issues should be brought to the people's doorsteps. It is the onus of the parents to instil civic-mindedness in their children by teaching them the rights of shared amenities in the country. Any violation on the part of the children of these rights should be addressed and reprimanded even at a young age. In reality, there is a desire for such corrective measures amongst the Muslims. This is grist to the mill of those biased against Islam to defame it.

"And under fruit-bearing trees": Similarly relieving oneself under a flowering tree is also prohibited. This is because this act taints the tree. People might abhor the fruits and flowers from the tree which causes a loss of benefits to one and all. In conclusion, it is an obligation on Muslims to preserve and protect public amenities. The concept of environmental-friendliness propounded by the disbelievers is much lauded even in Muslim countries. Little did they know Islam established such ideals and exhorted civic-mindedness from its very beginning.

متن

ويستجمر بحجر ثم يستنجي بالماء

And cleanse (*istijmār*) with stone and then again with water.

"And cleanse (*istijmār*) with stone and then again with water": *Istijmār* is the use of small pebbles or stones to remove waste from the body. If one combines both *istijmār* and *istinjā'* then that is best and cleanest. If so, one should use the stones to clean and then follow with water. Combining these methods removes all traces of impurity. However, if one decides just to use one method, then using water i.e. *istinjā'* is better in removing impurities. It is the consensus of the scholars that using stones to cleanse oneself without using water is permitted and accepted.

متن

ويجزئه الاستجمار إن لم يَعْدُ الخارجُ موضعَ العادة

***Istijmār* is permitted as long as the soiled area is limited to the place from where the waste is expelled.**

"*Istijmār* is permitted as long as the soiled area is limited to the place from where the waste is expelled": These are the criteria for the acceptance of *al-istijmār:*

1. The soiled area is limited to the place from where the waste is expelled. If it goes beyond that to other areas of the body, then *al-istijmār* is not permissible.
2. To perform *al-istijmār* with three stones[121] for the Prophet ﷺ asked for three stones when he needed to answer the call of nature.[122] Anything less than three stones is not sufficient. Some scholars say that it is permissible to use less than three stones citing that what is important is the cleansing. Hence, if one stone can achieve it, then the scholars say that it is sufficient.[123] However, the correct view is that three stones is a must. This is because the Prophet ﷺ asked for three stones. Adhering to the Sunnah is most preferred.
3. One should neither use dry dung or bone to perform *istijmār*. This is because the Prophet ﷺ forbade it. He said to Ruwayfi'[124], "O Ruwayfi'. If indeed you do live a long life, tell the people that whoever plaits his beard or performs *istijmār* with the dung of animals or bone, Muhammad makes *barā'* (disassociation) from them."[125] Performing *istijmār* with bones and dried animal dung is prohibited. If one insists, then he has not cleansed himself as it is contrary to Islamic law. He thus remains in the state of impurity.

متن ويشترط لاستجمارٍ بأحجارٍ ونحوِها أن يكون طاهراً منقياً غير عظمٍ وروثٍ وطعامٍ ومحترمٍ ومتصلٍ بحيوان

Stone or its like used for *istijmār* should be *tāhir* and clean. It should not be

121 See *al-Mughnī* (1/216)

122 Reported by al-Bukhārī (1/51), Ahmad (1/388, 465), al-Nasā'ī (1/39), al-Tirmidhī (17) and Ibn Mājah (314) from the narration of Ibn Mas'ūd.

123 "This is the strongest opinion in the *madhab* and the position of most of its scholars." See *al-Insāf* (1/112).

124 Ruwaifi' ibn Thābit ibn al-Sakn. From the clan of Mālik ibn al-Najjār. He lived in Egypt and was appointed by Mu'āwiyah to be a statesman of Tripoli in the year 46 H. He waged war in Africa. He has narrated hadīth from the Prophet ﷺ. He died in Barqa while governing it in the year 56 H. See *al-Isābah* (3/289)

125 Reported by Ahmad (4/109), Abu Dawūd (36) and al-Nasā'ī (8/135)

bone, animal dung, foodstuff, dignified objects, or any object attached to an animal.

"Stone or its like used for *istijmār* should be *tāhir* and clean. It should not be bone, animal dung": This is the fourth criteria. That the object used for *istijmār* be *tāhir*. If an impure object is used, *istijmār* is null and void since he remains in the state of impurity. Here once again are the four criteria:

1. The excrement must not exceed the place it was expelled from.
2. Three stones must be used or three wipes from one stone; there being differences in opinion as to which is correct.
3. Dung and bones must not be used for *istijmār*.
4. The object used for *istijmār* must be clean, not dirty.

If all of these criterion are met, then *istijmār* is valid and *istinjā'* with water is unnecessary. However if any one criteria is not met, *istijmār* becomes invalid.

"Clean": Exceptions are smooth stones, glass and smooth steel. Handkerchief made of course cloth can be used instead of stone as long as cleansing is achieved.

"Foodstuff": Using foodstuff to cleanse oneself is a degradation of food.

"Dignified objects": For example, Islamic books and papers wherein the name of Allah ﷻ is written. Using it will amount to desecration of the remembrance of Allah.

"Any object attached to an animal": As this will result in the animal becoming dirty.

متن ويسنُّ قطعُه على وَتْرٍ ، ويجب الاستنجاءُ لكلِّ خارجٍ إلا الرِّيحَ، ولا يصحُّ قبلَه وضوءٌ ولا تيمُّم

And it is Sunnah to do it in odd numbers. *Istinjā'* is mandatory for every waste that leaves the body except the passing of wind. *Wudhū* and *tayammum* are invalid unless preceded by it.

"And it is Sunnah to do it in odd numbers": To use at least three or more and in odd numbers. The Prophet ﷺ said, "If you perform *istijmār*, then do so with an odd number."[126]

"*Istinjā'* is mandatory for every waste that leaves the body": Any waste that comes out of the anus and private parts necessitates *instinjā'* or *istijmār*, whether someone is sure of a discharge or not.

"Except the passing of wind": In this case, there is no *istinjā'*.[127] Whoever does so is an innovator in the *dīn* as it was neither practiced by the Messenger of Allah ﷺ nor did he command that it be done. *Istinjā'* becomes necessary after urination or defecation as both these actions create waste that soils the body. In contrast, the passing of gas does not physically soil the body, hence there is no *istinjā'* for it.

"*Wudhū* and *tayammum* are invalid unless preceded by it": *Wudhū* performed before *istinjā'* and *istijmār* is invalid because these two cleansing actions are pre-requisites for the acceptance of *wudhū* as the Prophet ﷺ said, "Let him wash his private parts and then perform *wudhū*."[128]

"And *tayammum*": If one performs dry ablution (*tayammum*) followed by *istijmār*, then his dry ablution is invalid as the Prophet mentioned in the above hadīth the word "*thumma*" (i.e. "then") that signifies sequence. *Istinjā'* precedes *wudhū*. And Allah knows best.

126 Reported by al-Tabarānī in *al-Mu'jam al-Kabīr* (8/376) from the narration of Tāriq ibn 'Abdullah al-Mahārbī and Ahmad (2/360) from the narration of Abu Hurairah, and this wording is *marfū'*.

127 Ibn Qudāmah, "We have not heard of any refutation to this. Abu 'Abdullah i.e. Imām Ahmad said, 'There is no evidence in the Qur'ān or the Sunnah of the Prophet requiring *istinjā'* for passing gas. It only requires *wudhū*.'" See *al-Mughnī* (1/205)

128 Reported by Muslim (1/169) from the narration of 'Alī ibn Abī Tālib, (1/185) from the narration of Ubay ibn Ka'b, Ahmad (1/38) from the narration of 'Umar ibn al-Khattāb, (1/80) from the narration of 'Alī and al-Nasā'ī (1/96 and 97) from the narration of 'Alī ibn Abī Tālib.

باب السـواك وسـنـن الوضـوء

CHAPTER: SIWĀK AND THE SUNAN OF WUD-HŪ

In this chapter the author elaborates upon the *sunan* of performing *wudhū* and the rules pertaining to using the *siwāk*. "*Sunan*" which is the plural form of "Sunnah" lexically means "the path (*tarīqah*)".[129] Technically, it refers to the speech, deeds or endorsements that were established by the Prophet ﷺ. Thus it can be said to be the *tarīqah* of the Prophet. The later jurists define it as a deed which earns reward when done and is not a sin if left undone.[130]

The following acts are closely related to the etiquettes of making *wudhū* and are from the *fitrah*. These acts are: trimming the moustache, letting the beard grow, cutting the nails, plucking armpit hair, shaving pubic hair, circumcision, dying of the hair and the combing of hair etc.

"*Siwāk*" is actually from the *sunan* of *wudhū*. However, it is singled out and specifically mentioned due to its importance.

متن

التَّسَوُّك بعود لَيِّن، مُنْقٍ، غير مُضِر، لا يتفتَّت، لا بإصبع وخرقة

To [perform] *siwāk* is to use a soft stick which is clean and not harmful. It should not crumble. Fingers and scraps of cloth or paper should not be used.

129 See *al-Sihāh* by Jawharī (5/2138).

130 See *Irshād al-Fuhūl* by al-Shawkānī (pp. 67-68).

Siwāk is a Sunnah of ablution and for other acts of worship too. It is a Sunnah that is strongly encouraged. The word *siwāk* can refer both to the action and the stick used to perform it.[131] The author goes on to elaborate what the properties of this stick are. He makes mention of the method of performing *siwāk* and when it is done. The act of using the *siwāk* to brush the teeth was a practice close to the heart of the Prophet ﷺ as proven by numerous authentic ahadīth. The Prophet used to urge Muslims to use it saying, "The *siwāk* cleanses the mouth and pleases the Creator."[132] And there are many other ahadīth like this. The Prophet ﷺ used to use the *siwāk* very often. It is a strongly recommended Sunnah for its benefits are countless. It removes bad breath and cleans the remnants of food that are stuck to the teeth, restoring pleasant smell to the mouth which is especially important while performing acts of worship such as prayers, Qur'ān recitation and entering the *masjid*. It is also important when interacting with people while seated at close proximity. An etiquette for such interaction is to remove all forms of harm to those partaking in it.

"To [perform] *siwāk* is to use a soft stick which is clean and not harmful. It should not crumble": A wooden stick should be used, not anything else. It should be soft as a hard stick will inevitably cause injuries to the mouth.

"Clean": Dirty *miswāks* should not be used as cleansing will not take place.

"And not harmful": No harm should be inflicted upon one's self as a result of its use as in using certain types of wood which harm the mouth. Myrtle, an aromatic plant, is one such example.

"It should not crumble": It should be a solid stick of wood that does not fall into pieces after each use. If so, the mouth only gets messier. The best type of wood comes from a well-known tree called "*arak*" which is native to the Hijāz region. The wood from the olive tree is another source for *siwāk*. Yet another good source is the branch or stalk of a date palm tree.

"Fingers and scraps of cloth or paper should not be used": The Sunnah of the *siwāk* is not accomplished using the finger or scraps of cloth or pieces of paper. Cleansing is not achieved, thus defeating the purpose altogether. However

131 See *al-Mutla'* (p. 14)

132 Reported by Ahmad (6/62), al-Bukhārī (3/40), al-Nasā'ī (1/10) and Ibn Khuzaymah (p. 135) from the narration of 'Aishah.

the correct opinion is that any object, be it wood or otherwise, that removes dirt from the teeth can be used. Sunnah and rewards co-relate to the level of cleanliness. That is, the cleaner the teeth and mouth, the higher the Sunnah and the greater the rewards. Therefore, it is not prohibited to use the fingers or scraps of cloth or paper to wipe the teeth as this is a form of cleansing the mouth. However, it must be emphasised that wooden sticks are indeed better.

متن

مسنونٌ كلَّ وقت، لغير صائم بعد الزوال

[It is] Sunnah to do at every time, for the one not fasting after noon time.

"[It is] Sunnah to do at every time": It is not obligatory to use the *siwāk*. It is a Sunnah, meaning that it is strongly encouraged. There is no specific time to use it. Its use is considered a Sunnah, whether during the day or night. However it is recommended (*mustahab*) at certain times.

"For the one not fasting after noon time": It is not encouraged that it be performed after noon by the one fasting. This is according to the Hanbalī *madhab*.[133] The reason being, it removes the breath emanating from the mouth of the one fasting; which is better in the sight of Allah than the sweet smell of musk.[134] It is well known that using the *siwāk* removes the foul smell emanating from the mouth of the one fasting. This is one opinion. Another opinion is that a fasting person can use the *siwāk* without any restrictions. He can use it in the morning and evening as would a person not fasting.[135] With regards to the foul smell from the mouth of the fasting person, it can be countered that using the *siwāk* does not remove it. This is because the foul smell emanating from the mouth of the fasting person comes from the stomach which is empty of food and drink. Therefore cleaning the mouth with a *siwāk* will not remove it as the origin of the foul smell is the stomach. The correct opinion is that using

133 See *al-Muharar fī al-Fiqh* by Abu al-Barkāt (1/11).

134 Reported by al-Bukhārī (3/31, 34), (9/175, 192) and Muslim (3/157) from the narration of Abu Hurairah that the Prophet said, "Fasting is a shield, do not speak evil or be ignorant. If someone challenges you to a fight or rebukes you, say: 'I am fasting, I am fasting.' In Whose hands my soul is, the odour emanating from the mouth of one fasting is indeed better in the sight of Allah that the sweet aroma of musk. Allah says: 'He forsakes food, drink and his desires for My sake. Fasting is [performed] for Me and I shall reward it. each good deed is equivalent to ten of it.'"

135 It is another view attributed to Imām Ahmad. This view was preferred by Shaykh al-Islam ibn Taymiyyah. See *al-Ikhtiyarāt al-Fiqhiyyah* (p. 10).

the *siwāk* is allowed at all times for the one fasting as it is allowed for the one not fasting. As for the hadīth narrated by 'Alī that the Prophet ﷺ said, "If you fast, use the *siwāk* in the afternoon and do not use it at night,"[136] this is a weak hadīth, hence it cannot be used to justify an opinion or view. In an authentic hadīth it is said, "I saw the Messenger of Allah ﷺ using the *siwāk* countless times whilst he was fasting."[137]

متن متأكِّدٌ عند صلاة، وانتباه، وتغيُّر فمٍ

[It is] a strongly recommended Sunnah before prayers, regaining consciousness and when one has bad breath.

"[It is] a strongly recommended Sunnah before prayers": As the Prophet ﷺ said, "Were it not too imposing for my Ummah, I would have ordered them to use the *siwāk* for every prayer."[138] It is strongly recommended to use the *siwāk* just before prayer to freshen the mouth such that any foul smell can be eradicated. Since there is a direct communication with Allah during the prayers and the angels are nearby. It is a time when the verses from the Book of Allah are read. Hence it is encouraged that one freshen his breath with a *siwāk*.

"Regaining consciousness": I.e. from sleep. This is because human breath turns foul after a long nap. One should use a *siwāk* as soon as he wakes up. This was the first thing the Prophet ﷺ would do when he would arise from his sleep.[139]

"And when one has bad breath": One should try his best to use a *siwāk* if he realises that he is beginning to get a bad scent in his mouth. He can use it as and when necessary, as often as he wants.

It is a Sunnah to use the *siwāk* while performing *wudhū*, it is emphasised to do so just before gargling the mouth with water. In another narration, the Prophet ﷺ said, "Were it not too imposing for my Ummah, I would have ordered them to use the *siwāk* at every [performance of] *wudhū*."[140] He would brush

136 Reported by al-Dāraqutnī (2/204) and al-Bayhaqī in *al-Sunan al-Kubrā* (4/274).

137 Reported by Ahmad (3/445), Abu Dawūd (2364) and al-Tirmidhī (725) from the narration of Ibn Rabī'ah. A version is also in al-Bukhārī (3/40).

138 Reported by al-Bukhārī (2/151) from the narration of Abu Hurairah.

139 Reported by al-Bukhārī (1/70) and Muslim (1/151) from the narration of Hudhayfah.

140 Reported by Ahmad (2/517), Ibn Khuzaymah (140) and al-Bayhaqī in *al-Sunan al-Kubrā*

his teeth with a *siwāk* and then gargle his mouth. This perfects the cleansing process.

متن

ويستاك عَرضاً مبتدئاً بجانب فمه الأيمن، ويدَّهنُ غِبًّا، ويكتحل وتْراً

One should brush with the *siwāk* sideways, starting from the right side of his mouth. He should apply oil to his hair every other day and apply *kohl* to the eyes in odd numbered applications.

"One should brush with the *siwāk* sideways": I.e. brushing the outer teeth and gums from right to left. Brushing with the *siwāk* with a vertical brushing motion might cause bleeding of the gums. A right to left motion does not affect the gums.

"Starting from the right side of his mouth": As using *siwāk* is an act of worship, it should start from the right side just like all the other acts of worship. The Prophet ﷺ used to prefer commencing things with the right side. He used to wear the right shoe first, combed the right side of his hair first before the left side and performed his ablution starting with the right. In fact he prioritised the right side for all deeds.[141] The Prophet ﷺ used to roll the *siwāk* in his left hand to remove filth. Only the left hand is used to remove filth.

"He should apply oil to his hair every other day": Applying oil to the hair helps to make it soft and manageable. This can be done by males [and not just women]. Applying oil every other day is sufficient. Doing it every day might lead to a liking for things delicate and comfortable. The Prophet used to oil his hair every other day and not every day.[142]

"And apply *kohl* to the eyes": It is an Islamic etiquette to apply *kohl* to the eyes as it beautifies it. It also is a cure for the eyes and it helps to improve eyesight. Applying *kohl* to the eyes is a Sunnah of the Prophets of Allah, peace be upon them all.

(1/35).

141 Reported by al-Bukhārī (1/53, 116) and Muslim (1/155- 156) from the narration of 'Aishah.

142 Reported by al-Tirmidhī in *al-Shamā'il* (35) narrated by Humayd ibn 'Abdul Rahmān from a companion of the Prophet that he used to comb his hair every other day. This hadīth is also reported by Ahmad (4/86), Abu Dawūd (4159) and al-Nasā'ī (8/132) from the narration of 'Abdullah ibn Mughaffal.

"In odd numbered applications": I.e. three times in each eye. Indeed Allah is an odd number (i.e. The One) and He loves the odd number. *Kohl* is applied to the eyes at night, just before sleep. This was how the Prophet ﷺ would apply it.[143] A substance called *ithmid*[144] (antimony) is the best type of *kohl*.

متن

وتجبُ التسمية في الوضوء مع الذِّكْر

It is obligatory to say *basmallah* when starting to perform *wudhū*, if one remembers.

"It is obligatory to say *basmallah* when starting to perform *wudhū*" What is meant here is to say *"bismillah"*. However, is it obligatory or is it optional? The vast majority of scholars are of the opinion that it is Sunnah (recommended). Imām Ahmad is of the opinion that it is obligatory when starting to make *wudhū* as the Prophet ﷺ said, "There is no *wudhū* for him who does not mention the name of Allah on it."[145] *"Lā wudhū"* [in this hadīth] is taken to mean invalidity of *wudhū* by Imām Ahmad while the vast majority of scholars view its meaning as the incompleteness of the *wudhū*[146] that does not have the mention of *"bismillah"* in the beginning of it. Furthermore, the authenticity of the above mentioned hadīth is suspect.

"If one remembers": If a person forgets to say the *basmallah*, his *wudhū* is correct. If he remembers it half way through, then he says the *basmallah* and resumes his *wudhū*. However, if he remembers after having completed the *wudhū*, then his *wudhū* is still valid as the occasion to say the *basmallah* has passed.

---

143 Reported by al-Tirmidhī in *al-Shamā'il* (49) from the narration of 'Abdullah ibn 'Abbās with the words, "The Messenger of Allah used to apply *kohl* just before sleeping. He used *ithmid* three times in each eye," There is also a similar narration in Ibn Mājah (3499).

144 Ibn al-Qayyim said, "It is a black stone brought from Isfahan and from the regions around Morocco. These are the best quality. It is dry and cold. It is a cure for the eyes and improves eyesight by strengthening the nerves that are connected to the eyes. *Ithmid* helps to remove impurities from the eyes. It also removes headaches." An abstract from *Zād al-Ma'ād* (4/283).

145 Reported by Ahmad (4/70), (5/381), al-Tirmidhī (25, 26) and Ibn Mājah (398) from the narration of Sa'īd ibn Zayd. It was also narrated by Abu Sa'īd al-Khudrī - reported by Ahmad (3/41) and Ibn Mājah (397).

146 See *Nayl al-Awtār* by al-Shawkānī (1/172-173).

متن

ويجب الخِتَانُ ما لم يَخَفْ على نَفْسِه

It is mandatory to circumcise, so long as it does not harm him.

"It is mandatory to circumcise": This was the practice of the Prophets and one of the many natural dispositions (*fitrah*) recommended in Islam. It is mandatory for the males to remove the foreskin of the penis. The foreskin retains remnants of urine within the penis and this is unhygienic for the person, therefore it should be removed. Doctors agree that this retention of urine in the foreskin will accumulate to the extent that the man's health is affected. Islamic law has proscribed men to remove their foreskin to avert this harm. It is proven to be more hygienic and keeps the Muslim in a state of purity.

"So long as it does not harm him": If it does harm an individual in a significant manner, then he is not obliged to circumcise. Female circumcision is also recommended for Muslim women. A thin layer of skin from the clitoris is removed such that it helps to decrease the female's libido. The Prophet ﷺ said to the woman performing female circumcision, "Trim it, do not mutilate."[147] Only a sliver of skin is cut. The Prophet ﷺ indicated its recommendation for woman saying, "When the two parts that are circumcised meet (in intercourse)"[148] i.e. a male part and a female one. This is an authentic hadīth and so there is definite merit to female circumcision since it was urged by the Prophet ﷺ. Having said this, we need to bring to attention the issue of mutilation. There are people who mutilate the private parts in the pretext of circumcision and this is a vile deed which harms the person. The penis is completely removed sometimes and the vagina is skinned such that the woman is blighted for life; deprived of sexual desire forever. Sexual desire and libido are key ingredients in procreation which assures the survival of the human race. The best time to perform the circumcision for both genders is before puberty. However, it is only mandatory for males if they have attained puberty. This is not the case for females. In a critical scenario where circumcision might affect a person's health, it need not be performed. Islam prioritises the repelling of harm as compared to gravitating towards benefits. *Alhamdulillah*, with new medical technology, circumcision has become a painless and quick procedure.

147 Reported by al-Tabarānī in *al-Mu'jam al-Awsat* (2253), Hākim (3/524), al-Tabarānī in *al-Kabīr* (8/324). Reported by Abu Dawūd (5271) with the wording, "Do not go to the extreme in cutting; That is better for the woman and more liked by the husband."

148 Reported by Ahmad (6/123,227) from the narration of 'Aishah. Reported also by Muslim (1/186).

متن

ويُكْرَه القَزَع

Qaza' is disliked.

"*Qaza'* is disliked": *Qaza'* is the shaving of a part of the hair on the head while leaving some. It is disliked as this is unsightly and one who does so imitates the Christians. The Prophet ﷺ said, "Shave it all off or leave it all alone."[149]

There are different types of *qaza'* done by people:

1. Those who shave the sides and leave a tuft of hair in the centre.
2. Those who shave the centre of the head and leave the sides.
3. Those who shave one side and retain the other side.
4. Those who shave the forelock and retain a tuft of hair at the back of the head.

All of the above are prohibited in Islam as mentioned by Ibn al-Qayyim. One should either shave all the hair or keep all of it. This is acceptable for men. The growing of the hair, its preservation and keeping it kempt is a Sunnah of the Prophet ﷺ. He ﷺ did not shave his head except when he performed Hajj or 'Umrah which entail the shaving of the head as part of the rites. He even had shoulder-length hair.[150] Imām Ahmad said, "To keep one's hair long is a Sunnah. However the Prophet's hair had a natural stiffness. If mine was of a similar consistency, I would have kept it long."[151]

However growing the hair in imitation of the disbelievers is prohibited. To imitate them in any of their peculiar habits is prohibited in Islam. Growing one's hair with the intent of following his ﷺ manner is recommended.

متن **ومِن سُنن الوضوء السواك، وغسل الكفين ثلاثاً، ويجب من نوم ليل ناقضٍ لوضوء،**

149 Reported by Ahmad (2/88), Abu Dawūd (4195) and al-Nasā'ī (8/130) from the narration of 'Abdullah ibn 'Umar.

150 Reported by al-Bukhārī (4/228), (7/197) and Muslim (7/83) from the narration of Barā' ibn 'Āzib who said, "I have not seen a more beautiful man with a lock of hair in a red-striped outfit than the Messenger of Allah ﷺ. His hair was of shoulder length." [Translator's note: This is also found in the *Shamā'il* of al-Tirmidhī, see A Commentary on the Depiction of Prophet Muhammad (Dar al-Arqam, 2014) for further information.]

151 See *al-Mughnī* (1/119)

والبَداءة بمضمضة، ثم استنشاق

Among the *sunan* of *wudhū* are: *siwāk*, washing the hands thrice (which is mandatory after waking up in the morning and after a deep sleep that nullifies *wudhū*), gargling the mouth first and then drawing water into the nose.

"Among the *sunan* of *wudhū* are: *siwāk*": *Siwāk* is used before gargling the mouth with water.

"Washing the hands thrice (which is mandatory after waking up in the morning and after a deep sleep that nullifies *wudhū*)": When one wakes in the morning, it is mandatory to wash the hands before performing *wudhū*. This was the instruction of the Prophet ﷺ, "If one of you awakens after having slept, do not dip your hands into a washing bowl [of water] until you have washed them thrice."[152] This was an order of the Prophet ﷺ, therefore this action is mandatory. The rest of the time, it is only recommended that one washes his hands before *wudhū*. The doer of the deed is rewarded and the one who refrains is not penalised.

"Gargling the mouth first and then drawing water into the nose": This is amongst the *sunan* of *wudhū*. It is done before washing the face. Failing to gargle the mouth and drawing water into the nose and then expelling it would render the *wudhū* invalid. This is because the nose and mouth are part of the face. It is mandatory to wash the face when performing *wudhū*. One should consider the inner mouth and nose as part of the face. For this reason, we do not have any narrator leaving out these actions while describing the *wudhū* of the Prophet ﷺ. He never missed doing so and has in fact urged those making *wudhū* to gargle the mouth and draw water into the nose.

متن

والمبالغة فيهما لغير صائم، وتخليل اللحية الكثيفة والأصابع، والتيامن

One should be excessive in them if he is not fasting, rubbing the thick beard and the fingers and prioritising the right side.

"One should be excessive in them if he is not fasting": Referring to the gargling of the mouth and the drawing of water into the nose and expelling it. One should fill the mouth with water and gargle exceedingly. Similarly, he

152 Reported by al-Bukhārī (1/52) and Muslim (1/160) from the narration of Abu Hurairah.

should draw water into the inner nose as best as he can and then snort it out. It is a Sunnah to be excessive in the above two actions for the mere fact that the water could reach further into these parts. The Prophet ﷺ said, "Be excessive in drawing water into the nose except if you are fasting."[153] Those who fast are exempt from this excessiveness as it is feared that water would enter the throat via the nose and mouth.

One should not misinterpret the author's calling of these actions as *sunan* to mean that they are in fact only recommended. The author is referring to starting the *wudhū* (after the washing of the hands) with gargling the mouth and drawing water into the nose. These two actions are in fact mandatory as the mouth and nose are part of the face.

"Rubbing the thick beard": The beard is part of the face, its thickness and length notwithstanding. The one who shaves it off is in fact removing part of his face as reckoned by Allah ﷻ. It embellishes the face and distinguishes the male from the female. It is a mark of manhood and astuteness. There are two types of beard:

1. The thin beard: where the skin of the face and cheeks are visible through the facial hair. This type of beard is simply washed inside and out.
2. The thick beard: where the skin of the face is well hidden by the beard due to its thickness. The outside of the thick beard has to be washed even if it flows beyond the face as it is regarded a part of it. It is recommended to insert one's wet fingers between the hairs and rub it such that the inside of the beard becomes wet too. However his *wudhū* is still valid even if he does not insert his wet fingers into the beard.

"And the fingers": I.e. using one's fingers to rub in-between the fingers of the other hand and toes of the feet such that water reaches in between the folds. This is a Sunnah of *wudhū*.

"And prioritising the right side": I.e. starting with the right side when washing each body part. For example, you start by washing the right arm and then follow with your left. This is because the Prophet ﷺ preferred the right side

153 Reported by Ahmad (4/211), Abu Dawūd (142), al-Tirmidhī (788) and al-Nasā'ī (1/66) from the narration of Laqbit ibn Basrah.

especially whilst performing *wudhū* and taking the compulsory bath.[154]

متن

وأخذ ماء جديد للأذنين، والغسلة الثانية والثالثة

The taking of fresh water to rub the ears and washing with second and third repetitions.

"The taking of fresh water to rub the ears": It is recommended to wet the hands again after rubbing the head so as to wipe the ears. However, this view can be disputed. The correct opinion is that the wetness left in the fingers after rubbing the head is sufficient for wiping the ears. There is no evidence that the Prophet ﷺ wet his hands again so as to wipe the ears. In fact he only used the wetness of the fingers to rub the ears as mentioned in the hadīth, "... He took no water besides the remnants of water left in his hands to wipe the head."[155] The hadīth[156] informing us that the Prophet ﷺ did wet his hands again before wiping his ears is not preserved (*mahfūz*), unlike the former, even if it appears in *al-Bulugh al-Marām*.

"And washing with second and third repetitions": This is from the *sunan* of performing *wudhū*. All cleansing actions repeated twice and thrice have precedence from the actions of the Prophet ﷺ. Repeating the cleansing actions is recommended. It is mandatory though to wash them once at least. Allah ordains this in the ayah, **{Wash your faces and your hands as far as the elbows, and wipe your heads and your feet to the ankles.}**[157] He ﷻ, commands that we wash ourselves. Therefore the first instance is an obligation and the second and third repetitions are Sunnah. The fourth repetition is an innovation. As for the head and the ears, they are wiped together once.

154 Reported by al-Bukhārī (1/35, 116), (7/89) and Muslim (1/155) from the narration of 'Aishah.

155 Reported by Muslim (1/146) from the narration of 'Abdullah ibn Zayd ibn 'Āsim al-Muzanī.

156 Reported by al-Bayhaqī (1/65)

157 Al-Mā'idah: 6

باب فروض الوضوء وصفته

CHAPTER: OBLIGATORY ACTS OF WUDHŪ AND ITS DESCRIPTION

This chapter is about the parts of the body that must be washed during *wudhū* and the attributes of *wudhū*.

"*Wudhū*": Is the act of ablution. When a *fatah* is above the letter *waw* (i.e. when the word is pronounced *wadhu*), it refers to the water used to perform ablution.[158] *Wudhū* linguistically means brightness or goodness. Technically, it is the use of pure water to wash certain parts of the body in a specific way.

It has a great merit: Allah ﷻ will forgive all the sins of the person who performed *wudhū*. It is mentioned in a hadīth that with every droplet of water that falls away from the body, with it falls the sins of the person. If he washes his face, all of the sins of having seen forbidden things depart. Sins resulting from the evil deeds of the hand are pardoned when he washes his hands. When he washes his feet, all the sins that he committed with his feet are removed. The sins depart either with the water or with the last drop of water falling away from the body part.[159]

Another merit is the brightening of the body parts washed in *wudhū* on the Day of Judgement. It will be a sign that they were among those who performed *wudhū* often. The Prophet ﷺ said, "My Ummah will come on the Day of Judgement brightly spotted and radiant which is the effect of their perform-

158 See *al-Mutla'* (p. 19).

159 Reported by Muslim (1/148-149) from the narration of Abu Hurairah.

ing *wudhū*."[160] This is because *wudhū* is an act of worship which will definitely adorn the Muslims in the Hereafter. The Prophet is sometimes called the leader of the bright and radiant.

Performing *wudhū* is a great act of worship that requires special care and effort. The Prophet ﷺ said, "Cleanliness is half of faith."[161] The Prophet ﷺ said, "... No one maintains his *wudhū* except the believer."[162]

Wudhū was ordained along with the prayer. The prayer was ordained before the migration, while the Prophet ﷺ was still in Makkah. He was ordered to pray two units for each prayer at that time and he was ordered by Allah ﷻ to make *wudhū* before doing so. However, a question that may be asked is how the Prophet ﷺ performed *wudhū* when in fact the *ayāt* of *wudhū* are in Sūrah al-Mā'idah which was revealed in Madīnah. This *sūrah* was one of the last chapters that were revealed to the Prophet ﷺ. The answer is that *wudhū* was only recommended before the revelation of the ayāt in al-Mā'idah. Once it was revealed, it was mandatory for the performance of prayers.

متن

فروضه ستة: غسل الوجه - والفمُ والأنفُ منه- وغسلُ اليدين

The obligatory acts are six: washing the face, the mouth and nose are part of it, and washing of the hands.

"The obligatory acts are six": Washing these six parts of the body is the obligation. *Wudhū* is null and void if any of these parts are not washed.

The first obligatory part:

"Washing the face, the mouth and nose are part of it": Allah says, **{Wash your faces}**[163] The mouth and the nose are part of the face. The Prophet ﷺ used to gargle his mouth and draw water into his nose and expel it. He ordered Muslims to do likewise. An evidence to show that they are part of the face is the example of a person putting something into his mouth when he is fasting. His

160 Reported by al-Bukhārī (1/47) and Muslim (1/149) from the narration of Abu Hurairah.

161 Reported by Muslim (1/140), Ahmad (5/344, 342), al-Tirmidhī (3517) and al-Nasā'ī (5/5) from the narration of Abu Mālik al-Ash'arī.

162 Reported by Ahmad (5/276, 280, 282), Ibn Mājah (277) and Ibn Hibbān (1037).

163 Al-Mā'idah: 6

fast is not nullified until he swallows the object in his mouth.

The second obligatory part:

"Washing of the hands": From the tip of the fingers to the elbow. Allah says, **{Wash your faces and your hands as far as the elbows.}**[164] The elbows must be included in this as the Arabic term *"ila"* (to) in the ayah means *"ma'a"* (along with). The Prophet ﷺ used to wash his elbows when performing *wudhū*.[165]

In normal instances, the edge or furthest point of a range is not wholly included. As an exception (due to the evidence indicating so), the full elbow is included in *wudhū*. It is like the ayah, **{And do not devour their property [as an addition] <u>to</u> your own property.}**[166] The word '*ila*" is used here to mean "*ma'a*".

متن

وَمَسْحُ الرأس ومنه الأذنان

And the wiping of the head along with the ears.

The third obligatory part:

"And the wiping of the head": As ordained by Allah: **{And wipe over your heads.}**[167] The Prophet ﷺ showed us how it is done. Both wet hands should be placed upon the forehead and slowly brought to the back of the head, wiping the scalp as they run through it. The hands then retrace back to the forehead.[168] It is mandatory to wipe the whole head, not just a part of it. The ayah ordains Muslims to wipe the head and it should be taken holistically. Wiping just one part of the head is insufficient.

"Along with the ears": As the ears are part of the head, they fall under the category of obligatory acts of *wudhū*. Regarding the manner of wiping: The wet index fingers are put in each ear right up to the ear canal. Both wet thumbs are placed on the outer ear. All the fingers are moved in a circular motion to

164 Al-Mā'idah: 6

165 Reported by al-Dāraqutnī in his *Sunan* (1/56) from the narration of Jābir ibn 'Abdullah.

166 Al-Nisā:2

167 Al-Mā'idah: 6

168 Reported by al-Bukhārī (1/58) and Muslim (1/145) from the narration of 'Abdullah ibn Zayd ibn 'Āsim.

achieve the cleansing of both the outer and inner ear. If the wiping of the ear is left out during *wudhū*, it becomes null and void. This is because he has omitted wiping a part of the head.

متن

وغسلُ الرِّجْلين، والترتيب

And washing both feet and following the sequence.

The fourth obligatory part:

"And washing both feet": Allah says, **{... And your feet until the two ankles.}**[169] This ayah includes the washing of both ankles. It refers to the protruding ankle bone at the edge of the shin region. The Shi'ah and Rāfidah claim that the ankle refers to the area just below the protruding bone. This is contrary to the Sunnah of the Messenger of Allah ﷺ which corroborates the ayah from the Qur'ān.

The fifth obligatory part:

"Following the sequence": I.e. of the body parts that are washed or wiped over in *wudhū*. Firstly, the face is washed followed by the hands, followed by the wiping of the head and finally washing both feet. This is the sequence set by Allah which the Prophet followed, **{Wash your faces and your hands to the elbows and wipe over your heads and wash your feet to the ankles.}**[170] He ﷺ said, "I begin with what Allah begins with."[171] To follow the sequence is mandatory. If the sequence is changed, the *wudhū* becomes invalid as it contradicts the ordainment of Allah ﷻ. It also contradicts the actions of the Prophet ﷺ who said, "This is *wudhū* without which Allah does not accept prayer."[172]

متن

والموالاة وهي: أن لا يؤخر غسل عضو حتى ينشفَ الذي قبله

169 Al-Mā'idah: 6

170 Al-Mā'idah: 6

171 Reported by Muslim (4/40), Ahmad (3/320), Abu Dawūd (5905), al-Tirmidhī (862) and al-Nasā'ī (5/235) from the narration of Jābir ibn 'Abdullah in the hadīth relating to the Prophet's Hajj ﷺ.

172 Reported by Ibn Mājah (419), al-Dāraqutnī (1/80), Abu Ya'lā in his *Musnad* (9/448) from the narration of 'Abdullah ibn 'Umar.

And it should be in succession. There should not be a delay in proceeding to wash the next body part such that the body part becomes dry before the next one is washed.

The sixth obligatory part:

Succession between two parts of the body entails that there is a short gap before moving to the next body part. Too long of a delay will invalidate the *wudhū*. In fact, succession from one part to the other should be immediate. If a delay causes the last washed body part to dry before the next one is washed, the *wudhū* is invalid if there was no good excuse for the delay. To maintain succession is mandatory as shown by the Prophet ﷺ, who never took gaps in between the washing of each body part during *wudhū*. He was modelling what was instructed to him in the Qur'ān. In conclusion we say that not observing succession whilst performing *wudhū* nullifies it in the absence of a valid excuse.

متن

والنية شرط لطهارة الأحداث كلها، فينوي رفع الحدث أو الطهارة لما لا يباح إلا بها، فإن نوى ما تسن لـه الطهارة كقراءة، أو تجديداً مسنوناً ناسياً حدثه ارتفع

[The presence of an] intention is a required condition to purify oneself from all impurities. One should either have intention (*niyyah*) to remove the impurity or to attain *tahārah* without which acts of worship are futile. If he performs *wudhū* intending to perform an act of worship for which purifying oneself is only Sunnah, like reading the Qur'ān or he renews his ablution intending it as a Sunnah, then that ablution shall suffice for obligatory acts of worship as well. This is provided that he is unaware that he is in the state of impurity.

"[The presence of an] intention is a required condition": *Wudhū* has criterion; the ultimate one being intention. This is because performing *wudhū* is an act of worship and these acts are not valid without intention. The Prophet ﷺ said, "Verily deeds are by intention and for every person is what he intended."[173] If one performed *wudhū* to cool himself or merely to clean up or to teach someone how to perform *wudhū* while not having an intention to free himself from impurities, then his *wudhū* is invalid. Intention is made in the heart. It should not be articulated aloud, for example by saying, "I make intention to perform

173 Reported by al-Bukhārī (1/2, 21), (3/190) and Muslim (6/48) from the narration of 'Umar ibn Khattāb.

wudhū" [Saying the intention aloud] is an innovation. Allah knows what is in the heart. Those who articulate the intention have introduced in the *dīn* what neither Allah revealed in his Book nor what the Prophet ﷺ taught to the Muslims. They are putting forth effort to accomplish a deed that does not bring rewards. In fact it a sin on their part as it is an innovation[174] in the *dīn*.

"To purify oneself from all impurities": Minor impurities or major ones.

"Or to attain *tahārah*; without which acts of worship are futile": I.e. having an intention to perform an act of worship encompasses the intention for the ancillary act of purification. For example, if someone intends to do his prayer, then this intention is sufficient for his *wudhū* as well. This is because the intention to perform the prayer necessitates the intention to attain *tahārah*.

"If he performs *wudhū* intending to perform an act of worship for which purifying oneself is only Sunnah": If he intends to perform an act of worship for which purification is only Sunnah, for example, making *wudhū* to read the Qur'ān, then this recommended ablution shall serve as obligatory purification. This is provided that he is unaware that he is in a state of impurity. Similarly, if he renews this recommended ablution with which he performed an act of worship, then it shall serve as obligatory purification, provided he is unaware that he is in a state of impurity. However, if he was aware of it, then he must make ablution with an intention to remove the impurity.

متن

وإن نوى غسلاً مسنوناً أجزأ عن واجب، وكذا عكسه، وإن اجتمعت أحداث توجب وضوءاً أو غسلاً فنوى بطهارته أحدَها ارتفع سائرُها

If he intends from his bath a Sunnah, it replaces the obligatory bath. And vice versa. If a person is stained with numerous impurities that require *wudhū* or *ghusl* and he has an intention to purify his self of one impurity only, all of the impurities will be removed.

"If he intends from his bath a Sunnah, it replaces the obligatory bath": An example is the bath for the Friday prayer. If he takes this bath oblivious to the fact that he is in a state of greater impurity (*janābah*), then performing the Sunnah bath is a replacement for the compulsory (*wājib*) bath.

174 See: *Zād al-Ma'ād* (1/201) and *Jāmi' al-'Ulūm wa al-Hikam* (1/64).

"And vice versa": If he intends to make a compulsory bath, then it replaces the bath intended as a Sunnah. For example, if he bathes to remove his *janābah* on a Friday, then this replaces the Sunnah bath for the Friday prayer. Likewise, if he uses the toilet for example and then makes *wudhū*, then it replaces his *wudhū* with which he intended to perform so as to read the Qur'ān.

"If a person is stained with numerous impurities that require *wudhū* or *ghusl* and he has an intention to purify his self of one impurity only, all of the impurities will be removed": An example of this would be if one was stained with urine, faeces or if he passed gas. He then makes the intention to purify himself from one of the three *najasah*. This is as if he made an intention to purify himself from all three impurities.

If a person was in a state of *janabah* requiring a compulsory bath and he fainted and requires a bath to restore his consciousness, then one bath would suffice to attain both objectives.

متن

ويجب الإتيان بها عند أول واجبات الطهارة، وهو التسمية، وتسن عند أول مسنوناتها إن وُجِدَ قبل واجبٍ، واستصحابُ ذكرِها في جميعها، ويجب استصحابُ حكمها

It is a must to make the *niyyah* when performing the first mandatory action of the cleansing rites, which is the *basmallah*. It is a Sunnah to make it in the beginning of the Sunnah action if a mandatory act does not precede it. It is a must that the intention covers the entire purification rite and it is mandatory to maintain its respective ruling.

"It is a must to make the *niyyah* when performing the first mandatory action of the cleansing rites": It is *wajib* to have intention (*niyyah*) in the beginning of every action. If one starts to perform *wudhū* without an intention and then makes an intention half way through, then his *wudhū* is not accepted. Hence intention is in the beginning not something introduced in the midst of an act of worship.

"*Basmalah*": It is a must to say "*bismillah*" when starting to perform *wudhū*.

"It is a Sunnah to say it in the beginning of the Sunnah action if a mandatory act does not precede it": This is the washing of the hands three times except for the one waking from his nightly sleep. It is recommended that he have an

intention before washing his hands.

"It is a must that the intention covers the entire purification rite": I.e. to have an intention in all the cleansing rites.

"It is mandatory to maintain its respective ruling": That is to have an intention in all of the cleansing rites. Intention should partner all acts that involve purification. If one decides to invalidate his *niyyah* in the midst of *wudhū*, it becomes nullified and the actions that preceded his change of mind were void. The *niyyah* and *wudhū* must be repeated once more from the beginning.

متن

وصفة الوضوء أن ينوي، ثم يسمي، ويغسل كفيه ثلاثاً، ثم يتمضمض، ويستنشق، ويغسل وجهه من منابت شعر الرأس إلى ما انحدر من اللَّحْيَيْن والذَّقَن طولاً، ومن الأذن إلى الأذن عرضاً، وما فيه من شعر خفيف، والظَّاهرَ الكثيفَ مع ما استرسل منه، ثم يديه مع المرفقين

The method of ablution: making the intention, then saying "*bismillah*", then washing the palms thrice, then gargling the mouth whilst drawing water into the nose and expelling it, then washing the face length-wise from where the hairs of the head begin, down the two cheeks and the beard. The area from one ear to the other is washed breadth-wise. It includes all hairs; light or thick hair, however long, then he washes his arms to his elbows.

"The method of ablution": The author now mentions the Sunnah acts of *wudhū*, the mandatory acts and the conditions that one should abide by. He does so to put forth the *wudhū* in its entirety. He also explains the method of performing *wudhū*.

"Making the intention": This is a condition for the validity of *wudhū* as the Prophet ﷺ said, "Verily deeds are by intentions and verily for every person is what he intends."[175] *Wudhū* is an act and so intention is a requisite. If he does something similar to *wudhū* to cool himself or to freshen up, it cannot be considered *wudhū* as he did not make the intention of making *wudhū*. It is a rule that if a criteria of an act of worship is not fulfilled, then that act is futile.

175 Reported by al-Bukhārī (1/2, 12) (3/190) and Muslim (6/48) from the narration of 'Umar ibn al-Khattāb.

"Then saying '*bismillah*'": The Prophet ﷺ said, "There is no *wudhū* for he who does not mention the name of Allah upon it."[176]

"Then washing the palms thrice": Palms refer to the hands. One washes them after the *niyyah* and *basmallah*. If he had awoke from a deep sleep that nullifies *wudhū*, then washing his hands is mandatory. Otherwise washing his hands is only recommended and falls under the category of optional acts of *wudhū*.

"Then gargling the mouth as he draws water into his nose and expels it": These are parts of the face. Hence if one washes his face in *wudhū* but leaves out either the mouth or the nose, then his *wudhū* is invalid. All ahadīth relating to the *wudhū* of the Prophet mention that he gargled his mouth and drew water into his nose.

"Gargling the mouth": I.e. to fill the mouth with water and rinse the mouth thoroughly before spitting it out.

"Drawing water into the nose and expelling it": I.e. to inhale water into the nose and blow it out.

Filling the mouth and inhaling water into the nose are done with the right hand while blowing of the nose is with the aid of the left hand as it is an action that removes impurities and harm. One uses only his palm to gather water, fill his mouth and draw water into his nose in a swift simultaneous action.

"Then washing the face length-wise from where the hairs of the head begin, down the two cheeks and the beard. The area from one ear to the other is washed breadth-wise. It includes all hairs; light or thick hair, however long": He proceeds to wash his whole face. The length of the face is from the edge of the forelock area to the tip of the chin or the long beard as an extension. This is because the beard is considered to be a part of the face. If water does not reach any spot within this area, *wudhū* is invalid.

As for the width, it is from one ear to the other. Water is smeared on the face, both length-wise and breadth-wise. Water has to penetrate light hair for ex-

176 Reported by Ahmad (4/70), al-Tirmidhī (25, 26) and Ibn Mājah (398) from the narration of Sa'īd ibn Zayd. The narration of Abu Sa'īd al-Khudrī is found in Ahmad (3/41), Ibn Mājah (397).

ample the eyebrows, eyelashes and beard as all of these are considered part of the face. If the beard is thick, having such an amount of hair that it prevents the water from penetrating to the skin, then it is mandatory to wash it on the exterior. Using the hand to rub between the hairs is only recommended as mentioned earlier.

"Then he washes his arms to his elbows": As Allah says: **{And your hands until the elbows.}**[177] The elbow bone is inclusive as was shown to us by the Prophet ﷺ.[178]

متن

ثم يمسح كل رأسه مع الأذنين مرة واحدة

Then he wipes over his whole head, which includes his ears, once.

"Then he wipes over his whole head": After washing his arms he wipes his head as ordained by Allah ﷻ, **{And wipe over your heads.}**[179] The word "*masha*" linguistically means to wipe the hands over something. However, in this context it does not just refer to wiping the hands over the head, it refers to the wiping action of a wet hand (i.e. wet with pure water). If the wiping of the head is done with a dry hand, then the *wudhū* is invalid.

The wiping is done by placing both palms upon the forehead and slowly moving them to the back of the head. One then retraces the wiping action to the forehead from where he started. This was the method that the Prophet ﷺ taught.[180]

If a person wipes over just a small part of the head, then his *wudhū* becomes invalid. He is judged to have contradicted the ordainment of Allah. He revealed to mankind to wipe the whole head and not just a part of it. Therefore this is not sufficient and falls short of being defined as, "Wiping over the whole head."

177 Al-Mā'idah: 6

178 Reported by al-Dāraqutnī in his *Sunan* (1/83) and al-Bayhaqī in *al-Sunan al-Kubrā* (1/56) from the narration of Jābir ibn 'Abdullah who said, "The Messenger of Allah used to pour water over his elbows when performing *wudhū*."

179 Al-Mā'idah: 6

180 Reported by al-Bukhārī (1/58) and Muslim (1/145) from the narration of 'Abdullah ibn Zayd in the hadīth describing how the Prophet ﷺ made *wudhū*.

"Which includes his ears, once": He inserts his wet index fingers into his ear canal, placing his thumbs on the exterior of the ear lobe and moving the thumbs up and down while the index finger runs along the folds of the ear canal. Thus the ear is washed inside and out as it is considered a part of the head. The hands are dipped and made wet before wiping the head. The remnant of this wetness is sufficient for the wiping of the ears. One does not have to wet his hands after wiping the head so as to wipe the ears. This was how our Prophet ﷺ taught us to wipe the head and ears. The hadīth contradicting this is not authentic.[181] If a person fails to wipe his ears after wiping the head, then his *wudhū* is invalid.

متن ثم يغسل رجليه مع الكعبين

Then he washes his feet up to his ankles.

"Then he washes his feet up to his ankles": As Allah ﷻ says, **{And your feet till the ankle.}**[182] The ankle referred to here is up to the ankle bones that protrude at the feet. The Prophet washed his feet and ankles in this manner and taught us to do likewise. The Prophet was the illustrator of the ordainments in the Qur'ān.

متن ويغسلُ الأَقْطَعُ بقيَّةَ المفروض، فإن قُطع من المَفْصِل غَسَلَ رأسَ العَضُدِ منه، ثم يرفعُ بصرَهُ إلى السماء، ويقول ما ورد، وتباح معونتُه وتنشيفُ أعضائه

The amputee can wash whatever that is remaining of the body parts that are mandatory in *wudhū*. He can wash the stump in place of the missing parts. Then he raises his sight towards the sky and says the supplication. It is permitted to ask someone to aid in pouring water. Wiping dry the wet body parts is also permitted.

"The amputee can wash whatever that is remaining of the body parts that are mandatory in *wudhū*": If his palm has been amputated, then he can wipe his arm. Allah says in the Qur'ān: **{Therefore be careful of [your duty to] Allah**

181 Reported by al-Bayhaqī (1/65) from the narration of 'Abdullah ibn Zayd that he saw the Prophet wet his hands again after wiping the head so as to wipe his ear. **This hadīth is not authentic.**

182 Al-Mā'idah: 6

as much as you can.}[183]

"He can wash the stump in place of the missing parts": If his wrist has been amputated, he can wash his arm as a replacement. If he doesn't have the lower arm up to the elbow, then he can wipe the stump on the elbow as it is a body part that is included in *wudhū*. However if it is cut above this point, then he is not obliged to wash it as he has no remains of the area obligatory to wash. Likewise is the case for one whose leg is cut above the ankle.

"Then he raises his sight towards the sky and says the supplication": When the individual has washed these body parts, he is in a state of physical purity. Then he hopes to achieve spiritual purity by reciting the *shahadah*, "There is none worthy of worship except Allah and Muhammad is the Messenger of Allah." This cleanses one of associating partners with Allah (*shirk*) and innovations (*bid'ah*). The pledge that there is none worthy of worship except Allah removes *shirk* and the other pledge that Muhammad is the Messenger of Allah removes innovation. This is because it becomes incumbent now for the one uttering this to follow the way of the Prophet and to avoid the contradictions and heresies introduced into Islam. *Bid'ah* is a filth and so is *shirk*. These are spiritual impurities that should be rid of by a person.

"Then he raises his sight towards the sky": Why does he do this? The sky is the place where Allah ﷻ ascends His throne. This is yet another evidence that Allah ﷻ ascends to His throne in the heavens. Those who falsely claim that Allah is everywhere and deny that Allah ascends His throne in the heavens bring forth a false explanation. They say that the reason one looks upwards to the sky is that it is the *qiblah* of those who supplicate. In fact there is no such thing. There is only one *qiblah* for our prayers and for any other form of worship and that is the Ka'bah which Allah ﷻ instructed us to face. There is no ordainment for those who make supplications or pray to look skywards. It is even prohibited in prayers.[184] Their claim that it is the *qiblah* of those who supplicate is complete falsehood and a heresy. Their objective is to reject the attribute of *'uluw* (ascension) of Allah ﷻ above His creation. The reason one

183 Al-Taghābun: 16

184 Reported by al-Bukhārī (1/191) from the hadīth of Anas ibn Mālik, who heard the Prophet say, "What is wrong with this group who look skywards during their prayer?" And then he added, "Let them desist from this lest their eyesight be snatched." Also reported with different wordings in Muslim (2/29) from the narration of Abu Hurairah.

faces skywards is to recognise that Allah is above his creations.

"And says the supplication": "*Ashadu an lā ilaha illallah, wahdahu lā sharīka lahu, wa ashadu an muhammadan 'abduhu wa rasūlahu, allahumma aj'alnī min al-tawwābīn wa aj'alnā min al-mutatahhirīn* (I bear witness that there is none worthy of worship except Allah and I bear witness the Muhammad is His slave and messenger. O Allah! Make me of those who are repentant and make me of those who purify themselves.)"[185] This supplication is said immediately after completing *wudhū*. The wisdom behind this supplication is to unify both physical purity from *najasah* and spiritual purity from *shirk* and innovations in the *dīn*.

"It is permitted to ask someone to aid in pouring water": If one needs another to help him make *wudhū* by pouring for him water or he has a disability like paralysis and requires someone to help him perform *wudhū*, it is permitted. Allah ﷻ says, **{And help one another in goodness and piety.}**[186]

"Wiping dry the wet body parts is also permitted": However, to let it dry by itself is better. This is because *wudhū* is an act of worship and letting it linger on your body has more merit. It is permitted to dry oneself as the Prophet ﷺ did so.[187] It has also been recorded that the Prophet was offered a towel to wipe himself dry after performing *wudhū* and he refused it.[188] This is proof that it is better to leave the remnants of water on the body after making *wudhū* and not dry it with a towel. Doing so however is permitted.

185 Reported by al-Tirmidhī (55) from the narration of 'Umar ibn al-Khattāb.

186 Al-Mā'idah: 2

187 Reported by al-Tirmidhī (53) from the chain of narrations of Abu Mu'ādh from al-Zuhrī from 'Urwah from 'Aishah said, "The Messenger of Allah had a coarse cloth that he used to dry himself with after performing *wudhū*." Al-Tirmidhī said, "'Aishah's hadīth is not authentic. All ahadīth pertaining to this topic are not authentic and Abu Mu'ādh (a narrator in the chain) is a weak narrator as classified by the scholars of hadīth."

188 Reported by al-Bukhārī (1/75, 76-77) and Muslim (1/174-175) from the narration of Maymūnah bint al-Hārith who said, "I prepared water for his bath and held a screen for him." She goes on to describe the bath of the Prophet ﷺ. She concludes by saying, "I held out a towel for him to dry himself and he waved it off with his hand due to not wanting it."

باب مسح الخُفَّين
CHAPTER: WIPING OVER THE KHUFFS (LEATHER SOCKS)

متن

يجوز يوماً وليلة، والمسافر ثلاثة بلياليها، مِنْ حَدَثٍ بعد لُبْسٍ

It is permitted for a period of a day and a night for the resident and three days and nights for the traveller from the point he invalidates his *wudhū* after wearing them.

"Wiping over the *khuffs*": After completing the description of *wudhū* and laws pertaining to it, the author focuses on body parts that are cleaned during *wudhū* which are covered and where removing this cover is difficult. If one encounters difficulty in removing a garment or covering to wash his body parts for *wudhū*, Allah ﷻ has given concessions to Muslims so that they can accomplish this more easily. They are permitted to wipe over the coverings without having to remove them. Hence, wiping the covering replaces washing the body part that is being covered. This is from the mercy of Allah ﷻ for His servants.

The coverings that can be wiped over are four:

1. Wiping over the *khuffs*. There are rules pertaining to it.
2. Wiping over the turban for men.
3. Wiping over the *khimar* (head scarf) for women.
4. Wiping over the wound dressing, plaster cast or bandaging.

Evidence of wiping over the *khuffs* is found in the Sunnah of the Prophet ﷺ

in ahadīth narrated by seventy of his Companions. There are forty authentic ahadīth regarding it.[189] Imām Ahmed said, "I do not have any doubts regarding *mas-ha* (wiping). It has been corroborated by forty ahadīth of the Messenger of Allah ﷺ."[190]

Ahlus Sunnah wa al-Jamā'ah are of the consensus that wiping over the *khuffs* is a concession sanctioned in Islamic law.[191] This view is disputed by the Rāfidah, may Allah disgrace them. They claim that the feet should be wiped over. Look at their vile refutation! They wipe over the feet and even the ankles but refute wiping over the *khuffs*! Ahlus Sunnah wa al-Jamā'ah are so convinced about the authenticity of wiping over the *khuffs* that they have included this issue in books on *aqīdah*. This is to highlight the error of those who deny this Sunnah. Denying it is tantamount to corruption of faith itself.

"It is permitted for a period of a day and a night and three days and nights for the traveller": These limitations were set by the Prophet ﷺ and they should be observed and not violated.

'Alī ؓ narrated that the Prophet ﷺ said, "The resident [is allowed to] wipe for a day and a night and the traveller for three days and nights."[192] In another hadīth, Safwān ibn 'Asāl said, "The Prophet ﷺ used to order us not to remove our *khuffs* for three days and nights whilst travelling, [this was the case] if we slept, passed urine or excretion but not if we fell into the state of *janabah*."[193]

"From the point he invalidates his *wudhū* after wearing them": The beginning of this set period starts with the initial invalidation of *wudhū*. If an individual performs a complete *wudhū*, wears his *khuffs* and then later loses his *wudhū*, the time frame begins for the period in which he can wipe over his *khuffs* at the point the *wudhū* is broken. This is one view.[194] The second view is that the time

189 Reported by al-Bukhārī (1/108) and Muslim (1/106-107) from the narration of Jarīr ibn 'Abdullah al-Bajalī.

190 See *al-Mughnī* by Ibn Qudāmah (1/360) and *Sharh al-Zarakshī 'alā Mukhtasar al-Kharqī*.

191 See *al-Ijmā'* by Ibn al-Mundhir (p. 33).

192 Reported by Muslim (1/159, 160), Ahmad (1/96, 113, 134, 136, 139), Ibn Mājah (552) and al-Nasā'ī (1/84).

193 Reported by Ahmad (4/239, 240), al-Tirmidhī (96, 3535), al-Nasā'ī (1/83) and Ibn Mājah (478).

194 See *al-Muqni'* (1/47) and *al-Muharar fī al-Fiqh* (1/12).

frame of the concession begins from the moment the person wipes over his *khuffs* for the first time after losing his *wudhū*.[195] To elucidate: a person wears his *khuffs* after the *fajr* prayer and then loses his *wudhū*. He does not wipe over his *khuffs* until after the *zuhr* prayer. According to the first view, the period for wiping begins from the moment he lost his *wudhū* until the corresponding time of the next day. According to the second view, the period begins from the *zuhr* time when he wipes for his prayer. Subsequently, the second view ascertains that the period stretches to *zuhr* time of the next day.

متن **على طاهرٍ، مباحٍ، ساترٍ للمفروض، يَثْبُتُ بنفسه، من خُفٍّ وجوربٍ صفيقٍ ونحوِهما**

While it is clean, permitted, covering the prescribed area, well-fastened, *khuffs* or socks made of thick cloth or any footwear that is similar.

Wiping over the *khuffs* has a number of criteria. Four are mentioned here:

1. That the footwear must be clean.
2. That it must be a permitted form of footwear.
3. The footwear must conceal the prescribed areas.
4. The footwear should be well-fastened.

Now for the elaboration point by point:

"While it is clean": *Najis khuffs* and socks cannot be considered for the wiping concession. For example, if the *khuffs* are made of the skin of a dead animal, skin of a carnivore or snake skin. There is inherent impurity in these which disqualifies them from wiping.

"Permitted": Stolen footwear cannot be used as it is transgression and a sin. Something sinful cannot be used as a tool to achieve a concession. Likewise, socks made of silk cannot be wiped over during *wudhū* by men. Therefore, it is forbidden for use for the wiping process. The Prophet ﷺ has prohibited men of his Ummah from using silk.[196]

195 Ibid.

196 Reported by Ahmad (1/96, 115), Abu Dawūd (4057), al-Nasā'ī (8/160-161) and Ibn Mājah (3595) from the narration of 'Alī ibn Abī Tālib.

"Covering the prescribed area": The areas that require washing during *wudhū* are covered by the footwear. Therefore it should cover the whole foot up to the ankle. If there is any opening within the footwear, then it cannot qualify for the wiping process. This is because every part of the foot up to the ankle has to be washed if exposed. And if it is covered, it shall be wiped over. Washing and wiping cannot be combined. If the *khuffs* do not reach the ankles, they cannot be wiped over as they do not cover the prescribed area. *Khuffs* and socks with holes in them cannot be considered for the wiping process as well, due to some parts of the feet being uncovered. Similarly, *khuffs* and socks that are so thin that the skin can be seen through them are not permitted. They cannot be considered as covering the feet (i.e. the proscribed area). The Prophet ﷺ used to wear *khuffs* which easily covered the feet up to the ankle.

"Well-fastened": It is either fastened to the foot or wrapped to the foot with a string. If it requires another object to hold it in place or to attach it to the foot, then this type of footwear cannot be used for the wiping process as it does not meet the requirements of the *Shari'ah*.

"Or socks": Socks are permitted to be wiped over as they take the place of the *khuffs*. This is permitted as the Prophet ﷺ used to wipe over his socks and sandals.[197] Socks are the garment manufactured for the feet, made from wool or other similar materials that are permissible.

"Made of thick cloth": The socks cannot be so thin such that the skin can be seen through the socks.

"Or similar footwear": I.e. footwear that satisfies the conditions, it covers the feet completely and is fastened to the feet in such a way that it removes difficulty.

متن وعلى عِمامةٍ لرجل، محنكةٍ أو ذاتِ ذُؤابةٍ، وعلى خُمر نساءٍ مدارةٍ تحت حلوقهن

And the turban (*imāmah*) of a man, which is also spun around the chin or that which has a tuft and the scarf (*khimār)* of the women spun under the neck.

197 Reported by Ahmad (5/248), Abu Dawūd (159), al-Tirmidhī (99), al-Nasā'ī in *al-Kubrā* (130) and Ibn Mājah (559) from the narration of al-Mughīrah ibn Shu'bah.

"And the turban": This is when the cloth is wrapped around the head such that it is completely or mostly covered. Not all that covers the head falls under this category. The *ghutrah* and *shimāgh* are not turbans. The turban is well-known amongst the Arabs and it is a long cloth worn on the head which is spun around the lower jaw or that which has a tuft. The Prophet ﷺ used to wipe over this type of turban[198] and ordered the Muslims to do likewise.[199]

The wiping over the turban has some conditions:

1. It is permissible only for men. Woman should neither wear the turban nor wipe over it. A woman should not try to imitate the ways of men.
2. It is a turban that is spun around the chin once or twice or that which has a tuft thereby making it difficult to remove. However that which is simply folded on the head and which is not secured without wrapping it under the chin or without having a tuft cannot be wiped over. Similarly other kinds of head gear like the cap and *ghutrah* cannot be wiped over.
3. It covers most of the head and reveals only that much that is a norm in society such as the forehead and the sides of the head.

"And the scarf (*khimār*) of the women": It is the third garment which is permitted in the wiping process. This is the cloth used by the woman to cover her head. The Prophet ﷺ said, "Allah does not accept the prayer of the menstruating woman (i.e. who has reached puberty) until she wears the *khimār*."[200] *Khumr* being the plural of *khimār*. Allah the Most High and Dignified says, **{And let them wear their head-coverings over their bosoms.}**[201]

"Spun under the neck": If it is fixed to the head in such a way that removing it is a problem, then she can wipe over it. The Prophet ﷺ thus ordered the wom-

198 Reported by al-Bukhārī (1/62) from the narration of 'Amr ibn Umayyah al-Dhamrī who said, "I saw the Prophet ﷺ wipe over his turban and *khuffs*." And Muslim (159) from the narration of Bilāl that he saw the Prophet wipe over his *khuffs* and turban.

199 Reported by Ahmad (6/12-14) from the narration of Bilāl that the Messenger of Allah ﷺ said, "Wipe over the *khuffs* and turban."

200 Reported by Ahmad (6/150, 218), Abu Dawūd (641), al-Tirmidhī (377) and Ibn Mājah (655) from the hadīth of 'Aishah.

201 Al-Nūr: 31

en to do so.[202] Umm Salamah used to do this.[203] This concession is offered to women because it would be very difficult for them to remove it each time they want to make *wudhū*, especially in the winter or while travelling. The need for a woman to wipe over her *khimār* is as great as for a man to wipe over his turban.

متن

في حدث أصغر

In minor impurity.

"In minor impurity": Wiping over the *khuffs*, turban and the *khimār* is for minor impurities only. As for the major impurities that must be cleansed with *ghusl* (compulsory bath), wiping cannot act as a substitute. These three items of clothing have to be removed to perform *ghusl* as seen in the hadīth of Safwān ibn 'Asāl who said, "We were ordered not to remove our shoes during our journey except if we were in the state of *janābah*."[204] This clearly indicates that the one in *janābah* cannot use the wiping concession and thus he must take a bath.

To recap, the conditions for wiping over the *khuffs*, turban and the *khimār* (for women) are:

1. That the person only be in the state of minor impurity.
2. That he or she wears it or puts it on after making a complete *wudhū.*
3. That these three things are firmly affixed to the body such that their removal is difficult.

متن

وعلى جَبيرةٍ لم تتجاوز قدر الحاجة - ولو في أَكْبَرَ - إلى حَلِّها، إذا لَبِس ذلك بعد كمال الطهارة

And on the splint that does not exceed what is really necessary, even if it is a big area and without any time limitations. The splinting should be done after a complete *wudhū* or *ghusl* is performed.

202 Reported by Ahmad (6/12-14) from the narration of Bilāl.

203 Reported by Ibn Abī Shaybah in *Musanaf* (1/30).

204 Reported by Ahmad (4/239-240), al-Tirmidhī (96, 3535), al-Nasā'ī (1/83) and Ibn Mājah (478).

"And on the splint": This is the fourth item that can be wiped over. There can be a splint on the individual's torso or body parts. They were originally palm-leaf stalks which were placed on fractures to help mend the bones, similar to the plaster cast on fractures and bandages wrapped around wounds. If these cover the parts of the body or the torso that have to be washed while performing *wudhū* or *ghusl*, then it is permitted to wipe over the splint or bandages. This can be done while in both minor and major impurity. The splint or bandage should not be removed [for washing purposes] if there is a need for it to be affixed to the body.

During the time of the Prophet ﷺ there was a man who went out on an expedition. A rock hit him on the head and caused him injury. During the night, he [entered the state of *janābah*] by ejaculating whilst sleeping. He asked the Prophet's Companions who were with him on the expedition regarding the concession to make dry ablution owing to his injury. They gave the verdict that it was mandatory for him to perform *ghusl* (including washing the wound) to remove the greater impurity of *janābah*. He took a bath and washed his wound on the head and he passed away as a result. When news reached the Prophet ﷺ of this incident, he rebuked his Companions saying, "They killed him, may Allah kill them. Why did they not ask if they didn't know. Verily the cure for ignorance is asking for clarification. It would have been sufficient for him to wipe the head with a little bit of water.[205]" This is evidence that it is permissible to wipe upon the splint or bandaging. This concession is a mercy from Allah ﷻ.

"That does not exceed what is really necessary": This is a condition for wiping over the splint or bandage. That is, it should not cover more than the part of the body that is necessary for the wound to heal. If the bandaging is excessive, then the parts which aren't injured should be uncovered if possible. If this is not possible, then one can perform dry ablution upon the uninjured areas covered by the bandaging.

"And without any time limitations": This is because a time frame has never been outlined as recovery from injuries differs case by case.

205 Reported by Abu Dawūd (336) and al-Dāraqutnī (1/ 189-190) and al-Bayhaqī (1/227 -228) from the narration of Jābir ibn 'Abdullah. The Prophet ﷺ also added in the hadīth "... And he should wash the rest of the body."

"The splinting should be done after a complete *wudhū* or *ghusl* is performed": This can be disputed. The correct opinion is that it is not a condition that the bandaging or splint be applied upon the affected area after *wudhū* or *ghusl* has been performed. There is no proof to substantiate this claim.

Bandaging and splints differ from the aforementioned three coverings in the following ways:

1. There is no condition that a state of purification must be attained before the injured area is covered. This is according to the correct opinion.
2. There is no time frame for wiping over it.
3. It is a must that all of the area covered by the bandage should be wiped.
4. It can be wiped over for both the minor and major impurities.

متن **ومَنْ مسحَ في سفر ثم أقام أو عَكَسَ، أو شكَّ في ابتدائه، فمَسْح مقيم، وإن أحدث ثم سافر قبل مَسْحِه، فمسحَ مسافر. ولا يمسح قَلانِسَ ولا لُفَافةً، ولا ما يسقط من القدم أو يُرى منه بعضُه**

Whosoever wipes during a journey and then stays as a resident in a place or vice versa and he who is doubtful of the boundaries which define travelling, his wiping is that of the resident. If he broke his *wudhū* and then travelled before he began wiping, then his wiping is categorised as that of a traveller. He cannot wipe over caps, coverings and footwear which falls off from the feet, or that which allows the feet to be visible when worn.

The following are the situations where the wiping concession initiates.

1. If he starts wiping as a traveller and then comes to reside in a place before the concessionary period for the traveller has ended or has reached his home town again, then he shall take up the concession of a resident. If there is time left for wiping [of the wiping period of a resident], he can make use of it. Since he had discontinued travelling, the concession associated with it ceased as well. He is classified as a resident and can only use that concession, not that of the traveller.

2. The reverse as in the point above. He was wiping as a resident and then travelled, he is still classified as a resident due to the original concession. The correct view however is that he can take up the concession of the

traveller and wipes for three days and nights.[206]

3. If he has doubts regarding whether he has reached a distance where he can be classified a traveller and can start to wipe as a traveller instead of a resident, then he reverts to the original status, that is of a resident. Since there is doubt as to whether he has entered the status of a traveller, we adopt the status which we are sure of, and that is of residency.

These are the three situations.

"If he broke his *wudhū* and then travelled before he started wiping, then his wiping is categorised as that of the traveller": If he travels before he breaks his *wudhū*, then his wiping concession is that of the traveller as evidenced by the saying of the Prophet, "The traveller wipes three days and nights."[207] This is if he travelled before starting to wipe and so his wiping will be categorised as that of the traveller.

"He cannot wipe over caps": Caps without tufts that are not fastened well to the head.

"Coverings"[208]: Wrapped around the feet for warmth or as a protection against the scorching heat from the ground. It is not permissible to wipe over them. The concession to wipe footwear is only for the *khuffs* and socks. The evidence and proofs single out these and exempt the rest. Therefore, we cannot simply add to the concession.

"And footwear which falls off from the feet": This is because the *khuffayn* mentioned in the hadīth are something known to fasten well to the feet and which provide durability as footwear. They either fit tightly to the feet or are secured to the feet using laces or string. This is the description of the footwear which qualifies for wiping. Any footwear like flip-flops or over-sized shoes that keep falling off from the feet cannot be wiped over.

206 This is the *madhab* of Abu Hanīfah. Ibn Qudāmah said, "This view is that of al-Khilāl and is his companion Abu Bakr." Al-Khilāl said, "Imām Ahmad retracted the former view and chose this one." See *al-Mughnī* (1/371).

207 Reported by Muslim (1/159-160), Ahmad (1/96, 113, 134, 146, 149), Ibn Mājah (552) and al-Nasā'ī (1/84) from the narration of 'Alī.

208 Shaykh al-Islam chose the opinion which allowed wiping over of the cap and leg coverings. See *Majmū' al-Fatāwā* (21/185-186) and *al-Ikhtiyārāt al-Fiqhiyyah* (pp. 13-14).

"Or that which allows the feet to be visible when worn": If the *khuffs* have holes in them or they do not cover the feet well, they cannot be wiped over. This is because any part of the feet which is visible must be washed. It has to be covered completely for the concession to take effect.

متن فإن لبس خفّاً على خُفٍّ قبل الحدث فالحُكْم للفَوْقَانِيِّ، ويمسح أكثر العمامة

If a *khuff* is worn over another *khuff* before one breaks his *wudhū*, then the rule applies to the outer *khuff*. One should wipe most of the turban.

"If a *khuff* is worn over another *khuff* before one breaks his *wudhū*, then the rule applies to the outer *khuff*": If a *khuff* is worn one on top of another before the wiping process is necessary (i.e. before the initial *wudhū* is broken), then the person need only wipe the outer *khuff*. However if the wiping process had begun with his *khuff* before another was worn on top of it, then he must continue wiping the inner *khuff* as the concession applies only to the inner *khuff*, not the outer one.

"One should wipe most of the turban": All around its periphery. If some part of the head is uncovered, he should wipe his head and proceed to wipe the turban for indeed the Prophet ﷺ wiped his forehead and continued to wipe the turban.[209]

Ibn al-Qayyim said, "Verily three methods of wiping have been narrated from the Prophet ﷺ:

1. He wiped his head if he wasn't wearing a turban.
2. He wiped over his turban only. This is if the turban covered all of his head or most of it.
3. He wiped his forehead and proceeded to wipe his turban to complete the action.[210]

متن وظاهر قدم الخُفِّ من أصابعه إلى ساقه، دون أسفله وعَقِبِه، وعلى جميعِ الجبيرةِ

209 Reported by Muslim (1/159), Ahmad (4/255), Abu Dawūd (150), al-Tirmidhī (100), al-Nasā'ī (1/76) from the narration of al-Mughīrah ibn Shu'bah.

210 See *Zād al-Ma'ād* (1/199).

Wipe the *khuffs* from the region of the toes to the shin area, the soles of the *khuffs* and the back excluded, and upon the whole of the splint.

"Wipe the *khuffs* from the region of the toes to the shin area, the soles of the *khuffs* and rear excluded": One should wipe the top of the *khuffs* excluding the sides and the soles. If he wipes just the sides or the soles and does not wipe the top, the wiping process is invalid. If he wipes the whole *khuff* (i.e. the top, sole and the sides), it is counted as wiping over the top whilst the rest is something extra from the person. Verily, the Prophet ﷺ wiped only the top[211] and did not wipe the sides or the soles of his *khuffs*. 'Alī ؓ said, "If the *dīn* was based upon opinions, then surely the soles of the *khuff* would be more worthy of wiping than the top. I however saw the Messenger of Allah ﷺ wipe the top of his *khuff*."[212] The *dīn* is not based on opinions but is substantiated with proof and evidences [from the Qur'ān and Sunnah].

The method of wiping over the *khuffs*: One should place his right hand fingers that are wet on the top toe region of the right *khuff* and start wiping upwards to the shin region and then repeat this downwards. He should do likewise with his left hand and wipe the left *khuff*.

متن ومتى ظهر بعضُ محلِّ الفرض بعد الحدث أو تَمَّتْ مُدَّتُه استأنف الطهارة

When the *khuffs* are removed or the feet become exposed due to wear and tear of the *khuffs*, then one should renew his *wudhū* proper. He should do likewise if the period of the concession for wiping expires.

The wiping concession ceases when:

1. The *khuff* is removed or it rips due to wear and tear such that the feet become visible. It is incumbent on him now to wash his feet during *wudhū*.
2. When the period for the concession as outlined by the Prophet ﷺ expires. A day and night for the resident and three days and nights for the traveller. He should now remove his footwear and perform a complete

211 Reported by Ahmad (4/246, 247), Abu Dawūd (161), al-Tirmidhī (98) from the narration of al-Mughīrah ibn Shu'bah.

212 Reported by Abu Dawūd (162) and al-Dāraqutnī (1/199).

wudhū, even if his current *wudhū* is still valid. This is because the state of ablution is now *batil* (invalid) due to the period of concession ending.

باب نواقض الوضوء
CHAPTER: NULLIFIERS OF WUDHŪ

متن

ينقض ما خرج من سبيل، وخارجٌ من بقية البدن إن كان بولاً أو غائطاً أو كثيراً نجساً غيرَهما

***Wudhū* is nullified by the discharging, from the anus, genitals or any other part of the body: urine, excretion or excess of anything similar from *najāsah*.**

"Nullifiers of *wudhū*": After elaborating upon the rules of *wudhū*, it becomes appropriate to discuss the factors that nullify it. It is a must to know the rules of something and as an extension the factors that contravene it.

There are eight nullifiers of *wudhū*:

First nullifier: Discharge from the anus and genitals regardless if it is frequent or seldom, pure or impure.

Second nullifier: Discharges from other parts of the body if it is urine or excretion. Any amount, small or plentiful, nullifies *wudhū*. Similarly, any form of *najāsah* other than urine or excrement nullifies *wudhū* under two conditions:

a) That the discharge is impure (*najis*). For example vomit or blood.
b) That the discharge is *kathīr* (i.e. a lot).

If the discharge from the body is not a *najāsah* e.g. perspiration, saliva or mucus, then one's *wudhū* is not nullified. Similarly, if the *najāsah* is small in amount, his *wudhū* is unaffected and remains valid.

متن وزوالُ العقل إلا يسيرَ نومٍ من قاعدٍ أو قائمٍ

Unconsciousness, except light sleep while standing or sitting.

Third nullifier: Unconsciousness brought about by deep sleep, fainting, madness or as a result of intoxication nullifies one's *wudhū*. This is because the individual will not be aware of what the body discharges whilst in this condition. The evidence to prove that unconsciousness is a nullifier of *wudhū* is the hadīth narrated by Safwān ibn 'Asāl. The Prophet ﷺ said, "... But from urine, excretion and sleep."[213] He included sleep along with urine and excretion as factors that nullify *wudhū*.

"Except light sleep while standing or sitting": As some of the Companions of the Prophet ﷺ used to do while waiting for prayers to begin at the *masjid*. Their heads would drop whilst seated due to sleep. However as soon as it was time to pray, they would get up to pray without renewing their *wudhū*.[214] This proves that light sleep while seated does not nullify *wudhū*.

متن ومسُّ ذَكَرٍ مُتَّصلٍ أو قُبُلٍ بظَهْر كَفِّه أو بطنِه، ولمسُهما من خُنْثَى مُشْكلٍ، ولمسُ ذكر ذَكَرَهُ أو أنثى قُبُلَهَا لشهوةٍ فيهما، ومسُّه امرأةً بشهوةٍ أو تمسُّه بها

Directly touching the genitals or the anus with the outer or inner palm nullifies *wudhū*. And the problematic hermaphrodite touching both genitalia. A man sensually touching the hermaphrodite's genitals or a woman touching its privates with lust nullifies *wudhū*. A man touching a woman with desire nullifies his *wudhū* and [likewise for the woman] when she does so to him.

Fourth nullifier: "Directly touching the genitals or the anus with the outer or inner palm": This is yet another nullifier of *wudhū*. The Prophet ﷺ said, "Whoever touches his genitals let him perform *wudhū*."[215] And "Whoever touches his *farj* (genitals and anus), let him perform *wudhū*."[216]

213 Reported by Ahmad (4/239-240), al-Tirmidhī (96, 3535), al-Nasā'ī (1/83) and Ibn Mājah (478).

214 Reported by Abu Dawūd (200), al-Dāraqutnī (1/131) and al-Bayhaqī (1/119).

215 Reported by Ahmad (6/407, 408), Abu Dawūd (181), al-Tirmidhī (82), al-Nasā'ī (1/100) and Ibn Mājah (479) from the narration of Busrah bint Safwān.

216 Reported by Ibn Mājah (481), al-Tahāwī (1/75), al-Bayhaqī (1/130) from the narration of

"And the problematic hermaphrodite touching both genitalia": The problematic hermaphrodite (*khuntha mushkil*) is that which has both the male and female genitals, and it cannot be ascertained whether it is dominantly male or female. They can neither be classified as male or female.

"A man sensually touching the hermaphrodite's genitals or a woman touching its privates with lust": If a man touches the male genitals of the hermaphrodite with desire, it nullifies *wudhū*. This is because the man touched the private parts of another man. If the hermaphrodite is dominantly female, then the man has touched a woman with lust and thus the *wudhū* is nullified.

If a woman touches the genital that resembles a female reproductive organ with lust, her *wudhū* becomes invalid. If the hermaphrodite was dominantly male, then she has touched the opposite gender with desire and if the hermaphrodite is dominantly female, then the woman has touched the female genitalia of another woman.

<u>Fifth nullifier</u>: "A man touching a woman with desire": This is the fifth nullifier of *wudhū*. The evidence for this is in the Qur'ān where Allah ﷻ mentions acts that nullify *wudhū* in the ayah, **{... Or you have touched the women.}**[217] This ayah read to mean that the woman is touched with lust. This is because such an action causes the ejection of bodily fluids whilst touching the opposite sex without lust is harmless. The latter does not nullify *wudhū*.

"And when she does so to him": I.e. if the touching mentioned above is carried out by a woman to a man, it likewise breaks her *wudhū* if it is done with desire.

متن

ومسُّ حلقةِ دُبُرٍ، لا مَسُّ شعر وظفرٍ وأَمْردَ، ولامع حائل، ولا ملموسٍ بدنُهُ ولو وجد منه شهوَةً

And touching the anus nullifies *wudhū*. The hair, nails of a woman or the touch of one who has not reached puberty does not nullify *wudhū*. Indirect touching will also not nullify *wudhū*. Similarly, if one is touched by someone else even in desire it shall not invalidate *wudhū*.

Umm Habīb

217 Al-Mā'idah: 6

"And touching the anus nullifies *wudhū*": As was discussed earlier.

"The hair, nails of a woman": If the hair and nails of the woman are touched, then *wudhū* is not nullified.

"One who has not reached puberty": Touching can arouse sexual desire in people. Evidently a young child's touch is free of this and so their touching does not invalidate *wudhū*. Ayah number six in Sūrah al-Mā'idah **{[Or if] you have touched women}** speaks of women, however it does not include all females.

"Indirect touch": I.e. if the woman is touched indirectly like while wearing gloves, it will not nullify *wudhū*. It is not touching per se as the cover acts as a barrier between the skin. The evidence and proofs indicate direct touching. Therefore an indirect touching is not considered touching at all. Two factors are considered for the "touch" that nullifies *wudhū*: (i) It must be a combined with desire. (ii) It must be a direct touch, one without any barrier; skin onto skin.

"If one is touched by someone else": *Wudhū* is not nullified if someone else rubs against his or her body. This is true even if there is stimulation of sexual desire. The ayah of the Qur'ān refers to those who touch and not about those on whom the contact is made.

متن

وينقضُ غسلُ ميتٍ، وأكلُ اللحم خاصةً من الجَزُور

Bathing the corpse nullifies *wudhū* as does eating camel meat.

<u>Sixth nullifier</u>: "Bathing the corpse nullifies *wudhū*"[218]: Whoever washes the corpse or comes into contact with it by touching or examining it closely, his or her *wudhū* is nullified. Some of the Companions of the Prophet used to perform *wudhū* after washing the deceased.[219] The correct opinion however is that it does not nullify *wudhū* as there is no proof or evidence to substantiate this claim.

218 This view is not shared by any other *madhab*. This view was held by many scholars of the Hanbalī *madhab*. See *al-Insāf* (1/215).

219 Narrated from Imām Ahmad, this view was adopted by Ibn Qudāmah and Shaykh Taqi al-Dīn. See *al-Insāf* (1/215-216).

Seventh nullifier: "As does eating camel meat": Consuming beef or mutton does not nullify *wudhū*. The Prophet ﷺ was asked whether a person should perform *wudhū* after eating camel meat and he replied, "Yes."[220] Imām Ahmad said, "There are two authentic hadīths pertaining to the nullification of *wudhū* due to eating camel meat. The hadīth of al-Barā'a and the hadīth of Jābir ibn Samrah." The author here uses the word *laham* to specify the meat of the camel and exclude whatever is not clearly defined as meat such as the liver, the spleen or the stomach and the sinew, brain or camel milk. The *madhab* propounds that these do not nullify *wudhū* as they are not technically termed as meat.

متن

وكلُّ ما أوجب غسلاً أوجب وضوءاً إلا الموتَ

Every act that mandates *ghusl*, mandates *wudhū*. The only exception is death.

Eighth nullifier: "Every act that mandates *ghusl*, mandates *wudhū*": An example of this is *janābah*. Whoever is in this state, should make *wudhū* and take the compulsory bath so that both the minor and greater impurities are removed. It becomes a must for this person to perform *wudhū* and then *ghusl*. Or he can take a bath with the intention of cleansing himself from both the impurities. The bath offsets the minor impurity in this case. If a woman stops menstruating. It is mandatory that she perform *ghusl* and *wudhū*.

"The only exception is death": Death necessitates *ghusl* but does not require *wudhū*. There is no evidence that *wudhū* was performed on a dead person. The *ghusl* does nothing to purify the deceased for verily he is stained by death and this cannot be lifted. The corpse is bathed because it is a requirement in Islam, not that it cleanses the dead. Some requirements in Islam appear strange only because their wisdom is not known to man. A Muslim complies to the requirements due to the mere fact that Allah and His Messenger have ordained so.

Some scholars of *fiqh* have included one more nullifier of *wudhū*: a person who reneges from Islam and becomes an apostate[221]. His *wudhū* is invalid as a re-

220 Reported by Muslim (1/189), Ahmad (5/87, 92, 93, 100, 102, 108) from the narration of Jābir ibn Samrah and it was reported by Ahmad (4/288, 303), Abu Dawūd (184,493) and al-Tirmidhī (81) from the hadīth of Barā'a ibn 'Āzib.

221 This view is only found in the Hanbalī *madhab*. Most of their scholars agree upon it. Abu Hanīfah, Mālik and al-Shāfi'ī have the opinion that apostasy does not nullify *wudhū*. See *al-*

sult. This is evident from the authors statement that, "Every act that mandates *ghusl*, mandates *wudhū*."

متن ومن تيقن الطهارة وشَكَّ في الحدث أو بالعكس بنى على اليقين، فإن تيقنهما وجهل السابق فهو بضد حالهِ قَبْلَهُمَا

Whoever has *wudhū* but is doubtful whether he has broken it, or vice versa, then he should gravitate towards that which he is sure about. If he is equally convinced [by the idea] that he is in the state of *tahārah* as he is [with the idea] that he is without *wudhū*, then he reverts to the condition he was in before this confusion.

"Whoever has *wudhū* but is doubtful whether he has broken it": I.e. doubtful as to whether he did something that nullified his *wudhū* but cannot recollect or he cannot decide on the state he is in.[222] The underlying rule is to maintain the actual condition; that is, the continuation of *wudhū*. This doubt does not affect "*yaqīn*" (conviction) that his *wudhū* is still valid. This rule "*al-yaqīnu lā yazūlu bilshaq*" (certainty is not removed through doubt) appears in the realm of *usūl al-fiqh* (fundamentals that form *fiqh*),[223] the evidence for this is the hadīth of the Prophet ﷺ, "If one has a movement in his stomach whilst in prayer and he is doubtful if he broke wind or not, let him not depart until he hears a sound or he smells it (i.e. the wind)."[224] The Messenger of Allah ﷺ commanded us to maintain the actual condition except if the nullification of *wudhū* is tangible or evident.

Kāfī (1/47), *al-Mughnī* (1/238), *al-Muharar fī al-Fiqh* (1/15) and *al-Ri'āyah al-Sughrā'* by Ibn Hamdān (1/47).

222 Ibn Qudāmah said, "There is no difference between him not being able to decide or if he has equal conviction in both states (i.e that he has *wudhū* or not)." See *al-Mughnī* (1/263). Al-Nawawī said, "Take note that when scholars mention about doubts pertaining to water, the state of purity, *najāsah*, prayer or fasting, they are talking about whether one is sure about the presence of the aforementioned things, regardless if he is indifferent or is partial. This is the definition of doubt by the *fuqahāh* (scholars of *fiqh*). As for the *usūliyīn* (scholars of *usūl al-fiqh*), they distinguish between one being indifferent and partial. They only classify the former as doubt. The latter is termed as guessing." See *al-Majmū' Sharh al-Madhab* (1/168-169).

223 See *al-Ashbā' wa al-Nazā'ir* by Ibn al-Subkī (1/13) and the same book by Ibn Nujaym (p. 56).

224 Reported by Muslim (1/190), Ahmad (2/414), Abu Dawūd (177) and al-Tirmidhī (75) from the narration of Abu Hurairah.

"Or vice versa": If in the situation where he is convinced of his impurity and doubtful if he renewed his *wudhū*, then he maintains the actual condition (*asl*) which is the impure state without *wudhū*.

"If he is equally convinced [by the idea] that he is in the state of *tahārah* as he is [with the idea] that he is without *wudhū*, then he reverts to the condition he was in before this confusion": If in the situation that he is equally convinced of having *wudhū* and having broken it, but is not sure which preceded which, then he must revert to the condition he was in before his thoughts were muddled. If he was in the state of *wudhū* before the confusion, then he continuous to maintain it and vice versa.

متن

ويَحْرُم على المحدث مسُّ المصحف، والصلاةُ، والطوافُ

It is forbidden for a *muhdith* to touch the *mus-haf*, perform the prayer and *tawāf*.

Three things are forbidden for the *muhdith* (the person without *wudhū*):

1. Touching the *mus-haf* directly: The Prophet ﷺ said, "None but the pure [in state] should touch the Qur'ān."[225] That is the book (*mus-haf*) that contains the Qur'ān, its pages and cover. A person should not touch it directly without having *wudhū*. This is the consensus of the four *imāms* (of the four *madhabs*) may Allah have mercy on them.
2. Performing prayers: It is a prerequisite that one has *wudhū* to perform prayers. Allah says, **{When you stand in prayer, wash your faces}**[226] The Prophet ﷺ said, "Allah does not accept a prayer of a person in an impure state until he performs *wudhū*."[227]
3. Performing *tawāf*: I.e. circumbulating the Ka'bah in Makkah. Included in this ruling are both the Sunnah and the mandatory *tawāf*. One should not perform *tawāf* without *wudhū*. The Prophet used to always perform *wudhū* when he wanted to perform *tawāf*.[228] He used to make

225 Reported by Imām Mālik in *al-Muwatta* (141), al-Dārimī (2/160), al-Dāraqutnī (1/122), Ibn Hibbān (6559), al-Hākim (1/395-396) and al-Bayhaqī (4/89).

226 Al-Mā'idah 6

227 Reported by al-Bukhārī (1/46), (9/29) and Muslim (1/140) from the narration of Abu Hurairah.

228 Reported by al-Bukhārī (2/186-187, 192-193) and Muslim (4/54) from the hadīth of

two units of prayer after performing *tawāf*[229] and this is further proof that he would perform his *tawāf* whilst in a state of *tahārah*. This is because he would not have prayed two units if he did not have *wudhū*. It is reported by Ibn 'Abbās in a *sahīh* hadīth with a chain of narration that ends with a companion of the Prophet ﷺ (*mawqūf*) that he said, "*Tawāf* around the house is like performing *salah* except that you can talk while doing so."[230] Although this hadīth is *mawqūf*, it can be ascribed to the Prophet himself as there was no *ijtihād* [on the part of the narrator], thus attaining the level of *marfū'*. This is substantiated further by the hadīth where the Prophet ﷺ addressed 'Aishah saying, "Do everything else but desist from making *tawāf* until you attain a pure state."[231] The menstruating woman is excused from the farewell *tawāf* during Hajj. This underscores the fact that *wudhū* is a pre-requisite for the performance of *tawāf*.

'Aishah who said, "The first thing the Prophet did when he reached (*masjid al-haram*) was to make *wudhū* and perform *tawāf*."

229 As narrated by Jābir in the hadīth describing the Hajj of the Prophet. See Muslim (4/38-43).

230 Reported by Ibn Abī Shaybah in his *Musanaf* (3/137), al-Nasā'ī in *al-Kubrā* (3944) and al-Bayhaqī in his *Sunan* (5/87).

231 Reported by al-Bukhārī (1/81, 84), (2/195) and Muslim (4/30).

باب الغسل
CHAPTER: GHUSL

After discussing the rules pertaining to purification from minor impurity, the author moves on to discuss the rules pertaining to the purification from greater impurity. The technical definition of *ghusl* is washing the whole body in a particular way.

متن

موجبُه خروجُ المَني دَفْقاً بلذَّةٍ لا بدونها، من غير نائمٍ

***Ghusl* becomes mandatory when semen is ejaculated whilst sexually stimulated. It is not mandatory in the absence of these two factors except when asleep.**

The author will mention six actions that make *ghusl* mandatory, they are:

1. Ejaculation of semen whilst sexually stimulated.
2. The head of the penis entering the vagina.
3. Menstruation.
4. Post-natal bleeding.
5. Reverting to Islam.
6. Death.

"When semen is ejaculated whilst sexually stimulated": It also includes reproductive fluids discharged from the vagina of a woman. If it is ejaculated whilst awake then *ghusl* becomes compulsory. The Prophet ﷺ said to 'Alī, "If water (re-

productive fluid) is ejaculated, then take a bath."[232]

"It is not mandatory in the absence of these two factors": If the semen or reproductive fluids are ejected without sexual stimulation whilst awake, then *ghusl* is not mandatory. Only *wudhū* is mandatory for this person as discussed earlier in the book under the topic, "Things which leave the privates."

"Except when asleep": Ejaculation whilst asleep necessitates *ghusl*. When semen spills from the genitals of a sleeping man, he neither realises the ejaculation nor has sexual stimulation. From this it is evident that the two aforementioned factors do not apply to the sleeping person. However he must perform *ghusl* if he wakes to find signs indicating that he had a wet dream. The two factors mentioned apply only to the conscious person.

متن وإن انتقل ولم يخرجْ اغتسل لـه، فإن خَرج بعد لم يُعِدْه

If semen is produced but does not spill out, then he should perform *ghusl*. However if it spills out later, then he need not repeat it.

"If semen is produced but does not spill out"[233]: I.e. if one can feel that semen is generated and yet is held back from ejaculating, then he should perform *ghusl*. There is dispute regarding this view. The correct opinion is that it is not compulsory to perform *ghusl* as it did not spill out from the privates.[234] The Prophet ﷺ said, "If water (reproductive fluid) is ejaculated, then perform *ghusl*."[235]

"However if it spills out later, then he need not repeat it": I.e. after *ghusl* has been performed. As the impurity is one, cleansing and purification should only be done once. There is no need to bathe again if semen leaves the privates after the initial *ghusl*.

232 Reported by Ahmad (1/109, 125), Abu Dawūd (206), al-Nasā'ī (1/111) from the hadīth of 'Alī.

233 It is mentioned in *al-Mughnī*, "It is popularly known that Imām Ahmad considered it *wājib* for *ghusl*."

234 It is mentioned in *al-Mughnī*, "It is the opinion of al-Kharqī and one of the two opinions of Imām Ahmad. It is the view of most of the *fuqahāh*." (1/267) This is also the view of Shaykh al-Islam ibn Taymiyyah. See *al-Ikhtiyarāt al-Fiqhiyah* (17).

235 Reported by Ahmad (1/109, 125), Abu Dawūd (206), al-Nasā'ī (1/111) from the hadīth of 'Alī.

متن وتغييبُ حَشَفةٍ أصليةٍ في فَرْجٍ أَصْلِي قُبُلاً كان أو دُبُراً ولو من بهيمة أو ميت

When the head of the penis disappears into the vagina or the anus. Even if into an animal or a corpse.

"When the head of the penis": This is the second factor that makes *ghusl* mandatory. The Prophet ﷺ said. "When the two circumcised parts meet, *ghusl* becomes compulsory."[236] In another hadīth he said, "If he sits on her and thrusts, then *ghusl* becomes mandatory even if semen is spilled or not."[237]

"Into the vagina or the anus": The anus is unfortunately used for sexual gratification by some [though it is *harām*].

"Even if into an animal or a corpse": If the head of the penis enters an animal's reproductive organ, then *ghusl* becomes mandatory. Likewise, if a corpse is used for gratification and the genitals or anus is violated, *ghusl* becomes mandatory.

متن وإسلامُ كافرٍ، وموتٌ، وحيضٌ، ونِفَاسٌ، لا ولادةٌ عاريةٌ عن دم

And the accepting of Islam by a disbeliever, death, menstruation and post-natal bleeding. Delivery without bleeding is excluded.

"And the accepting of Islam by a disbeliever": This is the third factor that makes *ghusl* mandatory. When a disbeliever accepts Islam, he must perform *ghusl*. This is evident from the incident where Qais ibn 'Asim embraced Islam and the Prophet ﷺ ordered him to perform *ghusl* with water mixed with lote tree leaves.[238] In another incident, Thamāmah ibn Athāl wanted to embrace Islam. He went to perform *ghusl* and then announced his *shahādah*.[239] This is said to be sufficient evidence to prove that it is mandatory for a disbeliever to take the *ghusl* before embracing Islam. However there is another view that

236 Reported by Ahmad (6/123, 227) from the narration of 'Aishah.

237 Reported by al-Bukhārī (1/80), Muslim (1/186), Ahmad (2/347) from the narration of Abu Hurairah with the addition "... Even if semen is produced or not."

238 Reported by Ahmad (5/61), Abu Dawūd (355), al-Tirmidhī (605), al-Nasā'ī (1/109) from the narration of Qays ibn 'Asim.

239 Reported by al-Bukhārī (1/125) (5/210-214) and Muslim (5/158) from the narration of Abu Hurairah.

propounds that it is not mandatory,[240] saying that *ghusl* for a new Muslim is only recommended. They cite that the Prophet ﷺ did not instruct all of those who embraced Islam to perform *ghusl*, just some of them. His leaving out of instructing some of them is indicative of non-obligation. If *ghusl* was compulsory, he would have ordered everyone who embraced Islam to do so.

"Death": This is the fourth factor that makes *ghusl* mandatory. The dead person is to be bathed. It is an act in line with Islamic law which makes it mandatory. The wisdom behind it is known only to Allah.

"Menstruation": This is the fifth factor. A woman does not perform the *ghusl* until she is free of her menses. Allah says: **{And they ask you about menstruation. Say, "It is harm, so keep away from wives during menstruation. And do not approach them until they are pure. And when they have purified themselves, then come to them from where Allah has ordained for you."}**[241] The purification mentioned in this ayah refers to *ghusl*.

"Post-natal bleeding": This is the sixth factor that makes *ghusl* mandatory. It refers to the bleeding caused by childbirth. When the bleeding stops completely, it becomes mandatory for her to perform *ghusl* just as it is mandatory for the menstruating woman.

"Delivery without bleeding is excluded": In the rare case where there is no bleeding during delivery, it is not compulsory for her to perform *ghusl* as there is no reason to do so. However, she must perform *wudhū* as any substance that leaves the privates necessitates *wudhū*.

متن ومن لزمه الغسل حرم عليه قراءةُ القرآن، ويَعْبُرُ المسجدَ لحاجةٍ، ولا يَلْبَثُ فيه بغير وضوء

Those who have to take the compulsory bath must not read the Qur'ān. He can pass through the *masjid* if this is needed but should not stay in it without *wudhū*.

"Those who have to take the compulsory bath must not": There are a few

240 See *al-Kāfī* (1/57) and *al-Mabda'* (1/183).

241 al-Baqarah: 222

things they cannot do:

1. Reading the Qur'ān. They should not read from the *mus-haf* or from memory. The Prophet ﷺ used to read the Qur'ān at all times except when he was in the state of *janābah.*[242] This is proof that the one who is in the state of greater impurity, be it *janābah*, menses or post-natal bleeding, should not read the Qur'ān.
2. Staying in the *masjid*. This was forbidden by the Prophet ﷺ.[243] However, if one who is in the state of greater impurity wants to pass through the *masjid*, then it is permissible. Sitting in the *masjid* is forbidden for those in the state of greater impurity. Allah says: **{O you who believe! Do not go near prayer when you are intoxicated until you know [well] what you say, nor when you are under an obligation to perform a bath -unless [you are] travelling on the road- until you have washed yourselves.}**[244] Regarding passing through the *masjid*, the Prophet ﷺ told a menstruating 'Aishah, "Get me the prayer mat from the *masjid*," to which she replied, "I am menstruating." He replied that her menstrual cycles were not in her hands.[245] He ordered 'Aishah to pass through his *masjid* to hand the mat to him. This is evidence to prove that it is permissible for a person in the state of greater impurity to pass through the *masjid*.

"But should not stay in it without *wudhū*": If there is a need for one to sit in the *masjid* and stay there for a while, then he must perform *wudhū* before doing so. The *wudhū* serves to lessen the degree of impurity he is in. The Companions of the Prophet ﷺ used to make *wudhū* and stay in the *masjid* whilst they were in the state of greater impurity.[246]

242 Reported by Ahmad (1/83, 84, 107, 134), Abu Dawūd (229), al-Tirmidhī (147), al-Nasā'ī (1/144) and Ibn Mājah (594) from the narration of 'Alī.

243 Reported by Abu Dawūd (232) from the narration of 'Aishah.

244 al-Nisa: 43

245 Reported by Muslim (1/168), Ahmad (6/45, 229), Abu Dawūd (261), al-Tirmidhī (134) and al-Nasā'ī (1/146) from the narration of 'Aishah.

246 Reported by Sa'īd ibn Mansūr in his *Sunan* (246) that 'Atā ibn Yasār said, "I saw a companion of the Prophet sit in the *masjid* while he was in the state of *janābah* after performing the *wudhū* which one does to pray." In another narration, Zayd ibn Aslam said, "The Companions of the Prophet used to sit in the *masjid* and discuss while they were not in possession of *wudhū*. A man among them who was in the state of *janābah* used to join them in their discussions after performing *wudhū*." Reported by Ibn Abī Shaybah in his *Musanaf* (1/135).

متن ومن غَسل ميتاً، أو أفاق من جنونٍ أو إغماءٍ، بلا حُلم، سُنَّ لـه الغسلُ

Whoever washes the deceased, is relieved of madness or falls totally unconscious (while not ejaculating), it is Sunnah for him to perform *ghusl*.

After having elaborated on the mandatory *ghusl*, the author mentions situations where it is recommended to perform *ghusl*. There are many of these, approximately eighteen situations. The author mentions two here. The rest shall be discussed soon with the will of Allah.

1. "Whoever washes the deceased": And who comes into contact with the corpse whilst examining it. It is recommended that they perform *ghusl* after doing so. The Prophet ﷺ said, "Whoever washes the corpse, let him perform *ghusl*. Let those who carry it make *wudhū*."[247] Those who merely pour water over it are excluded.
2. "Is relieved of madness or falls totally unconscious (while not ejaculating)": It is recommended that a person in these two scenarios performs *ghusl*.

متن والغسلُ الكاملُ: أن ينويَ، ثم يُسَمِّي، ويغسل كفَّيه ثلاثاً وما لوَّثَه، ويتوضأ

A complete *ghusl* comprises of the intention, saying the *basmallah*, washing the palms thrice, washing the stained area and performing the *wudhū*.

Ghusl is divided into two: the complete *ghusl* (al-*ghusl al-kāmil*) and the sufficient *ghusl* (*al-ghusl al-mujza'u*). The former is done for the mandatory and Sunnah reasons whilst the latter is done only for mandatory reasons.

"A complete *ghusl* comprises of the intention": Intention is obligatory as the Prophet said, "Verily deeds are by intention and for every person is what he intended."[248] Purification is invalid without an intention as it is an act of worship. All acts of worship can only be valid with intention.

"Saying the *basmallah*": This is saying "*bismillah*" as in *wudhū*.

247 Reported by Ahmad (1/103), (2/280, 433), Abu Dawūd (3161), al-Tirmidhī (993), Ibn Mājah (1463) and Ibn Hibbān (1161) from the narration of Abu Hurairah.

248 Reported by al-Bukhārī (1/2, 21), (3/190) and Muslim (6/48) from the narration of 'Umar ibn al-Khattāb.

"Washing the palms thrice": This action becomes compulsory when one rises from sleeping through the night.

"Washing the stained area": He proceeds to wash the areas stained with semen.

"And perform *wudhū*": I.e. after *istinja'*, he performs a complete *wudhū* like that which is done for *salāh*. The reason this is performed is because he is in a state of both greater and minor impurity. *Wudhū* cleanses the minor impurity and *ghusl* cleanses the greater impurity. Therefore he starts with *wudhū* and proceeds to perform *ghusl*.

متن

ويَحْثِي على رأسه ثلاثاً تُرَوِّيه

He then pours water over his head thrice such that it reaches the scalp.

"He then pours water over his head thrice": After completing the *wudhū*, one proceeds to performing *ghusl* by drawing water with both hands and pouring it over the head completely; repeating it thrice.

"Such that it reaches the scalp": To ensure that the head is completely wet such that even long strands of hairs are soaked in water. The Prophet ﷺ used to perform it in this manner, drenching his head thrice.[249]

Women have to do likewise, pouring the water three times and wetting the hair well. However, she is not required to undo the plaits in her hair so as to get her head wet because of *janābah*. She just has to pour water over the plaits as one is in the state of *janābah* very frequently and this will cause unnecessary hardship for her to undo her plaits each time. It is recommended for the menstruating woman or the one whose postnatal bleeding has just stopped to undo the plaits while taking the compulsory *ghusl*.

متن

ويَعُمُّ بدنَه غُسْلاً ثلاثاً، ويدلكه، ويتيامن، ويغسل قدميه مكاناً آخَرَ

He should pour water over his body thrice whilst rubbing it. He should start with the right side of the body first. He should wash his feet in another place.

---

249 Reported by al-Bukhārī (1/72, 74, 76) and Muslim (1/174) from the narration of 'Aishah.

"He should pour water over his body thrice": No area of the body should be left dry, even the crevices and folds of the body where water might not reach like the armpits, naval and the folds of the elbows. This is to be done thrice, however only the first time is mandatory and the subsequent repetitions are recommended.

"Whilst rubbing it": This is only recommended. What is mandatory is to let the water flow down and soak the whole body.

"He should start with the right side of the body first": This is only recommended. As one starts with the right side of the body before the left during *wudhū*, he does so with *ghusl* as well.

"He should wash his feet in another place": I.e. to wash his feet once more when he has moved away from the bath area. This is recommended.

متن والمُجْزِئُ: أن ينويَ، ثم يُسَمِّي، ويَعُم بدنَه بالغُسْلِ مرةً، ويتوضأ بمُدٍّ، ويغتسل بصاع

[The manner of] sufficient *ghusl*: make the intention, the *basmallah*, wash the whole body once and perform *wudhū* with a *mudd*[250] of water and *ghusl* with a *sā'* of water.

"Sufficient *ghusl*": *Ghusl* meant only for mandatory reasons.

"Make the intention, the *basmallah*": As in the form of *ghusl* mentioned previously.

"To wash the whole body once": There is no repetition.

"To perform *wudhū* with a *mudd* of water and *ghusl* with a *sā'* of water"[251]: A *mudd* is a quarter of a *sā'*. These are the amounts of water with which the Prophet ﷺ used to do these respective actions. Since the Prophet ﷺ was the most perfect in terms of purification, we can sum up that these amounts of water are sufficient for cleansing both the minor and greater impurities. The

250 Translator's note: A *mudd* is a quarter of a *sā'*, approximately 18 ounces. Hence a *sā'* is approximately 72 ounces.

251 Reported by Ahmad (6/121), Abu Dawūd (92), al-Nasā'ī (1/179), and Ibn Mājah (268) from the narration of 'Aishah.

Prophet ﷺ never wasted water and forbade its wastage.[252]

Wudhū and *ghusl* are acts of worship and there should be no wasting or over-indulgence when performing them. Doing so might lead to doubt and confusion as one wastes water through excessive cleansing of certain parts of the body which leaves little water to cleanse the other parts. This leads to an incomplete purification process and so the impurity remains.

متن

فإن أسبغ بأقلَّ أو نوى بغسله الحدثين أجزأ

It is permissible to attempt the purification with less water than stipulated or to remove both minor and greater impurities with a single *ghusl*.

"It is permissible to attempt the purification with less water": I.e. less than a *sā'* for *ghusl* and less than a *mudd* for *wudhū*. This is permissible as the Prophet ﷺ used to perform *wudhū* with two thirds of a *mudd*.[253] In *ghusl* the objective is to wet the entire body and in *wudhū* the objective is to wash the specific body parts. Excess water is not a pre-requisite, in fact excess in this matter is forbidden.

This issue is widely ignored in the present era since we have water flowing through the taps into every household. People tend to let the water flow freely whilst performing *wudhū*. However this wastage is not permissible. One should ponder about the exorbitant cost incurred in processing the water that is piped to our houses. This might deter the individual from wasting it and using it on things that are not beneficial.

"Or to remove both minor and greater impurities with a single *ghusl*": This is permissible when water is in short supply. He makes an intention to remove both impurities and pours water over his body once. As the Prophet said, "Verily deeds are by intention and for every person is what he intended." If he makes an intention to cleanse himself from both the minor and greater

252 Reported by Ahmad (2/221), Ibn Mājah (425) from the narration of 'Amr ibn 'Ās that the Prophet ﷺ passed by S'ād while he was performing *wudhū* and said, "What is this wastage O S'ād!" To which S'ād asked, "Is there wastage in performing *wudhū*?" The Prophet replied, "Yes. Even if you were to use the water from a flowing river."

253 Reported by Abu Dawūd (94), al-Nasā'ī (1/58) and al-Bayhaqī in his *Sunan* (1/196) from the narration of Umm 'Amārah al-Ansāriyyah.

impurities and then pours water over himself or dips into a pool of water with the same intention, it is valid and he attains purification from both impurities.

The sequence of washing the body parts and doing it consecutively which is observed in ablution is done away with. This is because cleansing minor impurities is achieved when a greater impurity is cleansed. There is no sequence of acts which need to be done consecutively when cleansing oneself from the greater impurity.

متن ويسن لجنُبٍ غسلُ فرجِه، والوضوءُ: لأكلٍ ونوم ومعاودةِ وطءٍ

It is Sunnah for a person in the state of *janābah* to: wash his privates, and perform *wudhū* before having a meal, before sleeping or before resuming sexual intercourse.

"It is Sunnah for a person in the state of *janābah*": This is if he or she were to delay the *ghusl*.

"Wash his privates, and perform *wudhū* before having a meal, before sleeping": That is if he intends to eat or sleep, it is recommended that he performs *istinja'* and makes *wudhū* first.

"Before resuming sexual intercourse": It is permissible for him to resume intercourse without performing *ghusl* after entering the state of *janābah* as the Prophet ﷺ used to visit his wives, one after the other during the same night and he performed *ghusl* only once.[254] However it is recommended that one performs *wudhū* if he is in the state of *janābah* before resuming intercourse with his wife. It is said that performing *wudhū* gives re-vitality to a person for the resumption.[255]

254 Reported by Muslim (1/171), Ahmad (3/99, 225), Abu Dawūd (218), al-Tirmidhī (140), al-Nasā'ī (1/143) and Ibn Mājah (588) from the narration of Anas ibn Mālik.

255 Reported by Ibn Hibbān in his *Sahīh* (1211) and Hākim in his *Mustadrak* (1/152) that Abu Sa'īd al-Khudrī narrated that the Prophet said, "If anyone of you wants to resume then let him make *wudhū* for verily it revitalizes him for the resumption."

باب التيمم
CHAPTER: TAYAMMUM (DRY ABLUTION)

متن

وهو بَـدَلُ طهـارة الماء

It is a replacement for water in purification.

"Dry ablution": The author now discusses the replacement for water in the purification process, i.e. dust. Allah ﷻ has made matters easy and has eased the burden of this Ummah by providing an alternative for water to purify oneself. *Tayammum* linguistically means objective.[256] The technical definition is to use dust or sand for purification on specific parts of the body in a specific way.[257]

"It is a replacement for water in purification": I.e. when there is no water available or when one is unable to use it due to illness, or when it is insufficient for both his needs and for the performance of *wudhū*. Allah says: **{And if you are sick, or on a journey, or one of you comes from the privy or you have touched the women, and you cannot find water, betake yourselves to pure earth, then wipe your faces and your hands.}**[258]

This is a special characteristic of this Ummah as the Prophet ﷺ said, "I was given five things that were not given to any prophet before me: I was aided with fear struck into the hearts of my enemy the distance of a month's journey, the earth has been made a place for prostration and purification, it is permissible for me to take war booty and it was not permissible for anyone before me. I

256 See *al-Sihāh* by al-Jawharī (5/2064).

257 See *al-Mutla'* (33) and *al-Dar al-Naqī* (1/112). See also *al-Iqnā'* by al-Hajjāwī (1/77).

258 al-Nisa: 43

was given the intercession and the prophets were sent only to their own people whilst I have been sent to all of mankind."[259] These are just a few of the many specialties of the Prophet ﷺ.

The following hadīth highlights the topic in discussion: "... And the earth has been made for me a place of prostration and purification. So when the time for prayer approaches, the servant has his place of prostration and purification wherever he may be."[260]

متن **إذا دخل وقتُ فريضة، أو أُبيحتْ نافلةٌ، وعَدِمَ الماء، أو زاد على ثمنه كثيراً، أو بثمن يُعْجِزه**

When it is time for the obligatory prayer or when it is the permitted time for optional prayers and it happens that there is no water or it is sold at an exorbitant price and he is unable to afford it.

Dry ablution (*tayammum*) has conditions:

First: "When it is time for the obligatory prayer": That is, the time for that particular prayer is due and he is about to pray. Allah says: **{O you who believe! When you rise up to prayer, wash your faces and your hands as far as the elbows, and wipe your heads and your feet to the ankles; and if you are under an obligation to perform a total ablution, then wash [yourselves] and if you are sick or on a journey, or one of you come from the privy, or you have touched the women, and you cannot find water, betake yourselves to pure earth.}**[261]

"When it is the permitted time for optional prayers": I.e. when the time periods in which prayers are prohibited cease. Apart from the five periods when prayers are prohibited, one can make *tayammum* to perform the optional prayers.

Second: "When it is the permitted time for optional prayers and it happens

259 Reported by al-Bukhārī (1/91) and Muslim (2/763) from the narration of Jābir ibn 'Abdullah.

260 Reported by Ahmad (5/248) from the narration of Abu Umāmah.

261 Al-Mā'idah: 6

that there is no water": If there is water and he is able to use it, then he cannot perform *tayammum*. This is because *tayammum* is a replacement when water is not available.

"Or it is sold at an exorbitant price and he is unable to afford it": I.e. there is water but he has no access to it as it too expensive and he has insufficient money to purchase it. Therefore *tayammum* becomes permissible for him. He does not need to borrow money to buy it.

If however water is sold at a normal and established price and he can afford it, he must do so and use water to perform *wudhū*. *Tayammum* becomes impermissible for him in this case. Since performing *wudhū* is *wājib*, that which is required for it to be performed is also *wājib*, so he must purchase the water.

متن أو خاف باستعماله أو طَلَبِه ضررَ بدنِه أو حُرْمَتِه أو مَالِه بعطشٍ أو مرضٍ أو هلاكٍ ونحوه شُرِع التيمُّمُ

Or he fears that bodily harm, thirst or death may afflict him or his companion and that it will be detrimental to his sanctity or property if he used it or went in search of it. In this case it is permissible for him to make *tayammum*.

<u>**Third**</u>: "Or he fears that bodily harm, thirst or death may afflict him or his companion and that it will be detrimental to his sanctity or property if he used it or went in search of it. In this case it is permissible for him to make *tayammum*": If water is available but, for example, he fears that his life and property will perish as a result of searching for water, the weather condition was extremely cold (i.e. it may be that he does not have a heating system to warm the water so as to use it), or he is already ill and using water might deteriorate his condition if he used it to make *wudhū*. In these scenarios, *tayammum* is allowed as these are valid excuses.

The evidence for this is in the incident where 'Amr ibn al-'Ās was sent by the Prophet ﷺ to lead a battalion in a war. He had a wet dream and the conditions were bitterly cold. 'Amr feared that using water would place him in peril and so he performed *tayammum* instead. When this news reached the Prophet ﷺ, he did not censure 'Amr's action.[262] This is tantamount to endorsement and so on

262 Reported by Ahmad (4/203), Abu Dawūd (334) narrated by 'Amr ibn 'Ās who said, "He asked me 'O 'Amr! You prayed with your companions while you were in the state of *janābah*?' So

a cold bitter day, one can resort to making *tayammum* if he does not have any appliance to heat up the water. Similarly, the ill person can resort to *tayammum* if his illness may be exacerbated by use of water for purification purposes as Allah ﷻ says: **{... And if you are ill.}**[263]

If a person has in his possession water that is only enough for his basic needs such as drinking and cooking, he can choose to perform *tayammum* as his basic needs are more crucial than using the scarce water for purification. This concession is a mercy from Allah ﷻ. When Allah mentions this mercy from Him, He says: **{Allah does not desire to put on you any difficulty, but He wishes to purify you and that He may complete His favour on you, so that you may be grateful.}**[264]And there is no hardship in Islam *alhamdulillāh*. If there arises forth any predicament in practicing it, there surely will exist a concession or alternative that will undo it.

متن ومن وجد ماءً يكفي بعض طُهْرِه تيمم بعد استعماله، ومن جُرح تيمَّمَ له وغسل الباقي

Whoever has water sufficient only to wash some of the body parts, he must make *tayammum* after using the water. The wounded can make *tayammum* on the injured area and wash the parts that are not affected.

"Whoever has water sufficient only to wash some of the body parts": For example, he has water enough to wash only his face or his face and hands but not enough to wash his feet.

"He must make *tayammum* after using the water": He washes whatever parts of the body he can and then makes *tayammum* on the parts that he has not washed. Allah says: **{Therefore be careful of [your duty to] Allah as much as you can.}**[265]

"The wounded can make *tayammum* on the injured area and wash the parts that are not affected": If the wounded person fears that using water upon the

---

I explained to him what prohibited me from making *ghusl* and mentioned the ayah **{... And do not kill yourselves. Verily Allah is ever to you merciful.}** [al-Nisā: 29] The Prophet ﷺ laughed and did not say anything."

263 Al-Mā'idah: 6

264 Al-Mā'idah: 6

265 Al-Taghabun: 16

injured area might be detrimental to his health, then he can wipe on the bandaging or dressing covering the wound. He has to wash the areas just below the injury. However if there is no bandaging or dressing, he can perform *tayammum* upon the affected areas and wash the other body parts as usual.

متن ويجب طلبُ الماء في رَحْلِه وقربه وبدلالة

It is mandatory that a person search for water within his house, or its surroundings, or should seek help from someone who can guide him to it.

"It is mandatory that a person search for water within his house": He should put forth efforts to locate water so as to perform *wudhū* or *ghusl*. He should not rush into performing *tayammum* without exhausting all means of securing water. Perhaps there is a well or river nearby or he may find people living in the vicinity who might guide him to water or share what they have. If he does not put forth effort, these sources might be unknown to him. Since *tayammum* cannot be justified when water is accessible, one needs to search for water to ensure this condition is established. Acts of worship do need a certain level of preparation and effort.

"Or its surroundings": I.e. the area around him or his abode. However it does not mean that one has to search far and wide for water.

"Someone who can guide": If he comes across someone who can give him the directions to the nearest source of water, then it is incumbent upon him to search for it at the place mentioned by the guide.

متن فإن نَسي قُدْرَتَه عليه وتيمم أَعَادَ، وإن نوى بتيممه أحداثاً

If he forgets that he has access to water and performs *tayammum*, he must repeat his prayer. If he intends to remove a number of impurities with his *tayammum*, it is permissible.

"If he forgets that he has access to water and performs *tayammum*, he must repeat his prayer": If he hastily makes *tayammum* without searching for water in the manner mentioned in the previous point [of the *matn* (text)] or he forgets that he had water in his possession and later realises his mistake, he must repeat his prayer as the one who performs the prayer with just the *tay-*

ammum in these circumstances, his prayer is invalid. This is because negligence and forgetfulness do not absolve mandatory acts. Verily forgetfulness can only spare the person of the sin of not having done a mandatory act or having done prohibited actions.

"If he intends to remove a number of impurities with his *tayammum*": If one is affected by many impurities and he makes an intention to perform *tayammum* to remove just one of them, then he is cleansed of all the impurities. However, if he intends to remove one of the impurities and does not want the rest of them to be cleansed, then only that which was intended is purified. The Prophet ﷺ said, "Verily deeds are by intention and for every person is what he intended."[266]

متن أو نجاسة على بدنه تضره إزالتها ، أو عَدِمَ ما يزيلها، أو خاف برداً، أو حبس في مصر فتيمم، أو عَدِمَ الماء والترابَ صلى ولم يُعِد

If the removal of *najāsah* from his body might harm him, there is a lack of the [substance that could] remove stains, he fears the cold, he is confined to a place where there is a lack of water and sand, then he can pray and need not repeat his prayer.

"If the removal of *najāsah* from his body might harm him, there is a lack of the [substance that could] remove stains": It is a must that impurities be washed from a person's body before he prays. However, if there is harm that would come from washing e.g. it is detrimental to one's health or there is a lack of substances that will remove the stains, then he performs *tayammum* as what is mentioned here.[267]

The correct view is that *tayammum* cannot be performed for impurities on the body[268] or if they are on the clothes. It is mandatory to wash the impurities if possible. If not, then he should try to change into fresh, clean clothes. If even

266 Reported by al-Bukhārī (1/2, 21), (3/190) and Muslim (6/48) from the narration of 'Umar ibn al-Khattāb.

267 See *al-Iqna'* by al-Hajjawī (1/81-82).

268 It is mentioned in *al-Insāf* "This is an exceptional view. He has also said that *tayammum* is insufficient. See also *al-Fā'iq'* by Ibn Qādhī al-Jabal who mentions that *tayammum* is not allowed if the body is stained by impurities. Shaykh ibn Taymiyyah supports his view and this view is preferred by him."

this is not possible then he can pray in his present condition.

"He fears the cold": He is allowed to make *tayammum* in this scenario as in the story of 'Amr ibn al 'Ās ﷺ.

"He is confined to a place": He is confined to a place and is not given access to water. In this case he can perform *tayammum* and pray. Allah ﷻ says, **{Therefore be careful of [your duty to] Allah as much as you can.}**[269]

"Where there is a lack of water and sand, then he can pray and need not repeat his prayer": In this situation, he can pray without *wudhū*. He only has to make *tayammum* and does not have to repeat the prayer [upon water becoming available] as Allah says: **{Therefore be careful of [your duty to] Allah as much as you can.}**[270] This is because the individual in this scenario is not able to do anything more than that mentioned, given the circumstances.

The above scenario clearly indicates that the performance of prayer can never be excused. It is always binding upon people as long as he is of sound mind. So whatever situation he is forced into, he should still perform the prayer.

متن

ويجب التيمم بتراب طهور لـه غبار

It is mandatory to use clean earth which is dust-like."

"It is mandatory to use clean earth": Allah ﷻ says: **{Betake yourselves to pure earth.}**[271] "*Al-Sa'īd*" in this ayah refers to dust that lies upon the surface of the earth or dust blown in that rests on a surface.[272] The Prophet ﷺ said: "The earth has been made a place of prostration and purification for me."[273] This means that the whole earth is a source of making *tayammum*, i.e. its sand, dust and other substances like them.[274]

269 Al-Taghābun: 16

270 Al-Taghābun: 16

271 Al-Mā'idah: 6

272 See *al-Dar al-Naqī* (1/117) and *al-Misbāh al-Munīr* (463).

273 Reported by al-Bukhārī (1/91), Muslim (2/63) from the hadīth of Jābir ibn 'Abdullah.

274 This statement is preferred by Shaykh al-Islam ibn Taymiyyah. However he lays a condition that using other than sand and dust occurs only when these are not available. See *al-Ikhtiyarāt al-Fiqhiyyah* (p. 20).

It is more correct to say that the whole earth is a source of making *tayammum* so long as the substance used is clean. Some scholars[275], like the author of this treatise, restrict *tayammum* to only earth. The former view is correct as evidenced by the act of the Prophet ﷺ and his Companions who travelled from Madīnah in the battle of Tabūk and, when just a few days journey away from Tabūk, they came upon a place covered in sand. There they made *tayammum* with it for they did not carry dust from the earth with them. This indicates that the concession is flexible *alhamdulillāh*.

"Clean (i.e. *tahūr*)": It is a condition that the dust used for *tayammum* is pure and clean. If it is tainted with *najāsah*, it cannot be used for *tayammum*. If one comes across a place clean enough to pray in, then he can make *tayammum* at the very spot and proceed to pray. Verily the Prophet has said, "Wherever a person may be when the time for prayer approaches, let him pray there."[276]

"Which is dust-like": One can perform *tayammum* with clean dust found upon the surface of the earth, be it sand, soil or stones and rocks that are covered with dust. He can also use the dust covering the walls or the mats and carpets. As mentioned, the possibilities are many *alhamdulillah*.

متن وفروضه: مسح وجهه ويديه إلى كوعيه، و كذا الترتيب، والموالاة في حدث أصغر

The obligatory areas to wipe are the face and the hands to the wrist bone. This is the sequence that should be done consecutively in the case of minor impurities.

"The obligatory areas to wipe are the face and the hands to the wrist bone": Allah says: **{Wipe your face and hands with it.}**[277] Hands here refer to the hands up to the wrist only.

"This is the sequence": As mentioned in the above ayah, Allah ﷻ starts the sequence with the face followed by the hands. When the Prophet taught the people to make *tayammum*, he struck his hands upon the ground and wiped

275 It is mentioned in *al-Inṣāf*, "This is the *madhab* (Hanbalī). Most of its scholars were of this view." (1/284). See also *al-Mustaw'ib* (1/75), *al-Muqni'* (1/74), *al-Muharar* (1/22) and *al-Ri'āyah al-Sughrā'* (1/52).

276 Reported by al-Bukhārī (1/91) and Muslim (2/63) from the hadīth of Jābir.

277 Al-Mā'idah: 6

them upon his face and then he wiped both the inner and outer palm.[278]

"Consecutively": Without delay between the two actions. The Prophet taught us to wipe the face and immediately wipe the hands.

"In the case of minor impurities": The sequence as well as doing the actions consecutively are conditions of *tayammum* to cleanse oneself of minor impurity. However this does not apply for greater impurities.

متن

وتشترط النية لما يتيمم لـه من حدث أو غيره، فإن نوى أحدهما لم يجزئه عن الآخر، وإن نوى نفلاً أو أطلق لم يُصَلِّ به فرضاً، وإن نواه صلَّى كل وقته فروضاً ونوافل

Making the intention is a pre-requisite of *tayammum* whether its [performance is] because of impurities or for other reasons. If intention is made for one reason, it cannot be valid for the other reason. If *tayammum* is intended for a *nafl* act, then it cannot suffice for the obligatory acts. If obligatory prayer is intended, it can be applicable to all prayers during the time.

"Making the intention is a pre-requisite": I.e. it is a pre-requisite for the validity of *tayammum*. The Prophet ﷺ said, "Verily deeds are by intention and for every person is what he intended."[279] *Tahārah* is an act of worship, regardless whether the element used is water or dust. Thus it necessitates an intention. *Tayammum* performed without an intention is not valid.

"Whether its [performance is] because of impurities or for other reasons. If intention is made for one reason, it cannot be valid for the other reason": *Tayammum* can be *wājib* on the individual for three reasons: major impurity, minor impurity and impurity on the body. One can intend with his *tayammum* to lift each of these as in the hadīth, "Verily deeds are by intention and for every person is what he intended." However if he intends one of these then it does not cover the others as they were not included in the intention.

Similarly, intentions need to be specific. One has to have an intention regarding whether an act he is about to do is a *nafl* (optional) act or a *fard* (obliga-

278 Reported by al-Bukhārī (1/92-93) and Muslim (1/193) from the narration of 'Ammār ibn Yāsir.

279 Reported by al-Bukhārī (1/2,21) (3/190) and Muslim (6/48) from the narration of 'Umar ibn al-Khattāb

tory) one. If he intends (e.g. with his *wudhū*) an obligatory prayer and does an optional prayer, it is allowed as optional prayers are lesser in degree when compared to obligatory prayers and so it is a subset of the latter. However, if he intends with his *tayammum* an optional prayer and decides to pray an obligatory one, it becomes null and void as the optional prayers are lesser in degree when compared to the latter. This view is based upon the fact that *tayammum* validates the prayer and is not a means of purification. This is the view expressed in the Hanbalī *madhab*.[280] Therefore it is a must that a person intends what he wishes to achieve with his *tayammum*. It then validates whatever prayers that are equivalent to or lesser in degree but not that which is higher in degree.

Another view propounds that *tayammum* is a means of purification.[281] It states that *tayammum* cleanses impurities just like water. This is the correct view. Hence, the issue of the performance of *tayammum* intended for a *nafl* prayer not being suitable for an obligatory prayer becomes redundant.

"If *tayammum* is intended for a *nafl* act, then it cannot suffice for the obligatory acts": This is based on the first view regarding *tayyamum* discussed above, that it is a means to allow the prayer.

"If obligatory prayer is intended, it can be applicable to all prayers": If an obligatory act is intended, it can validate optional prayers too. This is because an intention to perform an obligatory prayer is higher in degree than an intention to perform an optional prayer. So with just one *tayammum*, one can pray both obligatory and optional prayers until the time for the next prayer.

متن **ويبطل التيمم بخروج الوقت وبمبطلات الوضوء، وبوجود الماء ولو في الصلاة، لا بعدها**

***Tayammum* becomes invalid when the time period for the prayer ends, by the invalidators of *wudhū* and by the emergence of the availability of water - even when one is in the midst of prayer, but not after it.**

"*Tayammum* becomes invalid": Due to three factors:

280 See *al-Kāfī'* (1/64).

281 This is the *madhab* of Abu Hanīfah and a view of Ahmad. This was also the chosen opinion of Ibn Taymiyyah (see *al-Ikhtiyārāt al-Fiqhiyyah*, p. 22).

1. The time period for a particular prayer ends: this is if one assumes that *tayammum* validates a prayer but is not a means of purification. If he assumes the latter, then prayer timings do not affect *tayammum*.
2. Invalidators of *wudhū* also invalidate *tayammum*. There is no dispute regarding this.
3. Availability of water, there is no difference in opinion regarding this as *tayammum* is a replacement for performing *wudhū* using water. Allah says: **{... And [if] you cannot find water, betake yourselves to pure earth.}**[282] The Prophet ﷺ said, "The clean dust of the earth purifies a Muslim even if water is unavailable for ten years. When he does find water, let him fear Allah and wipe his body with it."[283] This is if he finds water before praying. If he does find water but it was found after the prayer was concluded, the prayer is valid. However, the following prayers require *wudhū*. Furthermore, if water becomes available whilst one is still praying, there are differences of opinion as to whether his prayer is valid or not. According to the Hanbalī *madhab* this invalidates the prayer.[284] According to this view, the individual should cease praying, perform *wudhū* and repeat the prayer from the beginning. Another view is that this particular prayer is valid so long as the water was unavailable to him at the moment he started praying.[285] This is the correct view.

متن

والتيمُّم آخر الوقت لراجي الماء أولى. وصفته: أن ينوي، ثم يسمي، ويضرب التراب بيديه مُفَرَّجَتَي الأصابع، ويمسح وجهه بباطنهما وكفيه بِراحَتَيْه ويُخَلِّل أصابِعَه

It is best to delay *tayammum* until the final moments of the prayer time in the hope that water might become available. The description of *tayammum*: make the intention, saying the *basmallah*, to strike the dust with both palms with the fingers spread, wipe the face with the fingers and the hands with the inner palms; intertwining fingers to wipe in between them.

"It is best to delay *tayammum* until the final moments of the prayer time in the hope that water might become available": Those without access to water

282 Al-Mā'idah: 6

283 Reported by Ahmad (5/155), Abu Dawūd (332), al-Tirmidhī (124) and al-Nasā'ī (1/171) from the narration of Abī Dhar.

284 See *al-Furū'* by Ibn Muflih (1/233).

285 See *al-Insāf* (1/298-299).

should do so hoping to perform the prayer with *wudhū*. However, it cannot be delayed until after the specific time for the prayer. However if one prays without any delay his prayer is still valid.

"The description of *tayammum*: make the intention, say the *basmallah*": As we have mentioned before, intention (*niyyah*) is ordained as the Prophet ﷺ said, "Verily actions are by intentions." It is a must that the *niyyah* is made before commencing. Then he says "*bismillah*" as in *wudhū* since *tayammum* is its replacement.

"To strike the dust": If he were to just place his hands on the dust without striking it, *tayammum* becomes invalid for the Prophet ﷺ struck the dust with his hands when teaching his companion how to perform *tayammum*. He said, "It is sufficient that you do like this:" and he proceeded to wipe his face with both his palms and then his hands to the wrist.[286]

"With the fingers spread": So that dust particles can reach in between the fingers. The dust sticking to the palm is distributed equally to the face and hands while wiping.

"Wipe the face with the fingers and the hands with the inner palms": This is the recommended method.[287] However, one can choose to make two strikes of the earth to perform *tayammum*, one for the face and the other for the hands. This method has also been recorded.[288] What is more authentic is a single strike of the earth divided between the face and hands.

"Intertwining fingers to wipe in between them": To allow the dust to reach between the folds of the fingers.

---

286 Reported by al-Bukhārī (1/92, 93) and Muslim (1/193) from the narration of 'Ammār ibn Yāsir.

287 See *al-Ikhtiyārāt al-Fiqhiyyah* (p. 21).

288 Reported by al-Darāqutnī (1/180), al-Hākim (1/179), al-Bayhaqī (1/207) from the narration of 'Alī ibn Dhibyān who narrated from 'Abdullah ibn 'Amr, who heard from Nafī', who heard from Ibn 'Umar that the Prophet ﷺ said, "*Tayammum* is two strikes, a strike for the face and a strike for the two hands till the elbow." However 'Alī ibn Dhibyān is considered a weak narrator by many. Refer to *al-Talkhīs al-Habīr* (1/267).

باب إزالة النجاسة
CHAPTER: REMOVAL OF IMPURITIES

"Removal of impurities": After having explained the rules of purification from impurities (*hadath*), the author shifts our attention to ways of cleansing ourselves of filth (*najasāh*).

Najāsah is of three types:

<u>The first type</u>: Spiritual *najāsah*. This is the impurity of *shirk* (associating partners with Allah).[289] Allah ﷻ says: **{Verily the *mushrikīn* are unclean.}**[290] One must pronounce the *shahādah* saying, "*Lā ilāha illallah wa anna Muhammadan rasūlullāh*" to remove this impurity.

The polytheists and those who disbelieve shall not be free of *shirk* and disbelief until they accept the oneness of Allah (*tawhīd*) and profess Islam. Until then they are unclean spiritually so long as they disbelieve. Their bodies are pure and their perspiration is pure. Their touch and what they produce are all clean and pure. The physical bodies of all men and women are pure.

<u>The second type</u>: Inherent *najāsah*.[291] This type of *najāsah* can never be removed. Examples would be a dog or a pig, these were created impure.

<u>The third type</u>: Effective *najāsah*.[292] This refers to impurities staining a clean

289 See *Majmū' al-Fatāwā* (21/67).

290 Al-Tawbah: 28

291 See *al-Iqnā'* (1/89).

292 Ibid.

place. This type of *najāsah* can be removed with water. These can be classified into four kinds:

1. Deep *najāsah*: The impurity caused by the dog and pig. It must be washed seven times, one of which using earth. More elaboration will follow later on.
2. Weak *najāsah*: It is sufficient for a person to sprinkle the impurity with water and this will be explained soon. This is the impurity caused by a baby boy who has not started on solid foods. Another example would be pre-seminal fluid.
3. *Najāsah* that is between deep and simple: This refers to all of the rest of the impurities such as the *najāsah* of urine, excretion and blood.
4. The pardoned *najāsah*: For example, specks of blood and traces of impurities upon the body after performing *istijmār* (cleansing with stones).

This is an overview of the categories of *najāsah*. They will be delved into deeply in this chapter.

متن يُجزئ في غَسْل النجاسات كلِّها إذا كانت على الأرض غَسلةٌ واحدةٌ تذهب بعين النجاسة

All impurities can be removed through washing. Any impurity upon the ground can be removed if washed once provided that traces of it disappear thereafter.

The impurities are of two types:

The first type: That which is intrinsic to the surface of the earth or connected to it, like basins reinforced into the ground and small pools of water.

"Any impurity upon the ground can be removed if washed once provided that traces of it disappear thereafter": Impurities found upon or connected to earthen ground and other similar surfaces can be removed by pouring over a generous amount of water. It was observed that when a Bedouin urinated in the *masjid*, the Prophet ﷺ forbade his Companions from disturbing the Bedouin until he had finished urinating. He ﷺ then ordered that a pitcher of water be poured over the area where the ground was stained. He then advised the Bedouin saying: **{Verily this *masjid* was not built for this purpose [of**

urinating]. It was built for the remembrance of Allah and prayers.}[293] Not only did the Prophet ﷺ teach the Bedouin in a gentle and kind way, he had the stains removed and forbade his Companions from harming the ignorant.

<u>The second type</u>: Impurities that are not intrinsic to the surface. Examples include impurities staining the clothes, body and utensils. More details pertaining to cleansing these shall follow.

متن وعلى غيرها سَبْعٌ إحداها بالتراب في نجاسة كلبٍ وخِنْزِيرٍ، ويجزئُ عن التراب أشْنانٌ ونحوه

And on others: they are washed seven times, one of which is with dust if the impurity is due to the dog or pig. The *ushnān* plant and its like can be used as an alternative for dust.

"And on others: they are washed seven times, one of which is with dust if the impurity is due to the dog or pig": If the *najāsah* is on other than the earth and if it is a deep *najāsah* such as the *najāsah* of the dog or pig, it is cleansed by washing it seven times. One of the seven should be with dust. It is better to wash the first time with dust as the Prophet ﷺ said, "If a dog licks the utensil belonging to one of you, wash it seven times, the first one with dust," in another narration, "One of them using dust," in yet another hadīth, "The last time using dust," and in another narration, "Cover it the eighth time with dust."[294]

If dust is applied the first time, last time or one of the middle rounds of cleaning, it is permissible. However, it is best if it is used on the first round as the narration that mentions it is most authentic. Two cleansing agents i.e. water

293 Reported by al-Bukhārī (1/65) and Muslim (1/163) from the narration of Anas.

294 Reported by al-Bukhārī (1/54) and Muslim (1/161) from the narration of Abu Hurairah that the Prophet ﷺ said, "If a dog drinks from one of your utensils, let him wash it seven times." Muslim reported (1/162) the *hadīth marfū'* of Abu Hurairah that he said, "The utensil of one of you is pure if a dog licks it as long as it is washed seven times, the first time with dust." Ishāq ibn Rāhaway in his *Musnad* (1/121) and al-Nasā'ī in *al-Kubrā* (69) from the *marfū'* narration of Abu Hurairah that the Prophet said, "If a dog licks one of your utensils, let him wash it seven times, one of it in dust." Al-Tirmidhī (91) reported the narration of Abu Hurairah, "If a dog licks one of your utensils, let him wash it seven times, the first or the last one using dust." Muslim reported (1/162) from the *marfu'* narration of 'Abdullah ibn Mughafal that the Prophet said, "If a dog licks one of your utensils, let him wash it seven tines and cover it with dust on the eighth time."

and dust are combined to remove the deep *najāsah.*

"The *ushnān* plant and its like can be used as an alternative for dust": *Ushnān* is a plant used as a cleansing agent after it is crushed. It is better than soap made of lote-tree leaves or marshmallow (the plant called Althaea Officinalis) and their derivatives.

The correct view is nothing[295] can replace dust as it has cleansing properties not found in other substances. It is second only to water as a cleansing agent.

متن

وفي نجاسة غيرهما سَبْعٌ بلا تراب

And the *najāsah* other than these two: wash it seven times without dust.

"And the *najāsah* other than these two: wash it seven times without dust": This is the moderate type of *najāsah* which includes urine, excretion and blood. It is sufficient that one washes it away until all traces disappear. The *madhab* of Imām Ahmed ibn Hanbal states that it must be washed seven times[296] as mentioned here. However, there is no evidence for this except the saying of Ibn 'Umar ﷺ, "We were commanded to wash *najāsah* seven times."[297]

The claim is that if a companion of the Prophet said, "We were commanded", it assumes the status of *marfū'*,[298] indicating that the Prophet ﷺ did indeed command that. However, these words are not proven to be from Ibn 'Umar. It would be held as a *marfu'* narration if it really was Ibn 'Umar's speech [and would thus be considered to be an order from the Prophet ﷺ]. However, the correct opinion is that *najāsah* is washed until it is removed without leaving any traces of colour, smell or taste. It is not restricted to a certain number of washings.[299] The Prophet ﷺ was asked about the menstrual blood staining a shirt. He replied, "Scratch at the stain and rub it with water and then wash

295 It is mentioned in *al-Insāf*, "It is correct according to the *madhab* (Hanbalī) that the use of dust is a condition without doubt to cleanse the impurities of the dog and the pig." (1/310)

296 See *al-Muqni'* (1/82).

297 Ibn Qudāmah relates this in his book *al-Mughnī'* (1/75).

298 Editor's note: *Marfu'* refers to a narration raised to the Prophet ﷺ. See A Commentary on the Poem al-Baqyuniyyah by Shaykh ibn al-Uthaymīn (Dar al-Arqam, 2016).

299 It is mentioned in *al-Insāf* that Ibn Qudāmah and Shaykh Taqī al-Dīn chose this view (1/313).

it with water again."[300] Washing it seven times was not specified. In fact the command was to remove the *najāsah*. This was the objective no matter how many times it was washed and this is the correct view.

متن **ولا يَطْهُر متنجسٌ بشمسٍ ولا ريحٍ ولا دَلْكٍ**

The stained area will not be purified by drying in the sun, by blowing it or rubbing it.

Najāsah is only removed by water for Allah ﷻ has made water pure. He says: {**... And sent down upon you water from the clouds [so] that He might thereby purify you.**}[301] And: {**And We send down pure water from the clouds.**}[302] It was elaborated upon earlier that impurity cannot be lifted and *najāsah* that stains a clean surface cannot be removed except with water.

Hence it will not be removed by drying in the sun even if the stain seems to have disappeared after it dries.

Similarly, if one was to blow the stain and all traces are removed, this is not sufficient.

Rubbing the *najāsah* until it is removed is likewise unacceptable. For example, if a shoe or *khuff* is stained with *najāsah*, one cannot simply rub it upon the ground and assume it is clean again. This is the view of some scholars[303] while others dispute it. The other view is that the stained area is considered clean if all traces of *najāsah* are successfully removed[304] by any means, be it with water, wind, sun or by rubbing. The primary objective is to remove the *najāsah*. When the *najāsah* is removed one way or the other, the stained area becomes clean, that is, it returns to its original state of purity.

The Prophet ﷺ was asked about the cleanliness of the hem of clothes (worn

300 Reported by al-Bukhārī (1/66) and Muslim (1/166) from the narration of Asmā bint Ābī Bakr.

301 Al-Anfāl: 11

302 Al-Furqān:48

303 See *al-Mustaw'ab* (1/92).

304 A view chosen by al-Majd in his commentary and the author of *al-Hāwī al-Kabīr* and *al-Fā'iq*. Shaykh Taqī al-Dīn and others also prefer this view. See *al-Insāf* (1/317).

by women) which were dragged upon the ground. He replied: "That (i.e. the ground) which follows it cleanses it."[305] The Prophet explained that if the hem of the clothes were to come into contact with *najāsah* at one point, the clean ground that the person covers along the way will cleanse the *najāsah* that is on the hem of the clothes. This is evidence that *najāsah* can be removed without water, it can be removed by drying it in the sun, letting it be blown by the wind and passing it through clean ground or by rubbing it.

متن

ولا استحالةٍ غيرَ الخَمْرة

And there is no transformation except for *al-khamr*.

"And there is no transformation": Transformation here refers to an alteration of the properties of an object. For example, if *najāsah* is thrown into fire and it gives off smoke, changing into ash. This ash is considered *najāsah* too given the fact that the origin of it was *najāsah*. Another view is that transformation (*istihāla*) of the properties affects purity in a manner where a *najāsah* can become pure.[306] If transformed into ash, a *najāsah* becomes pure. Another example would be a *najāsah* being mixed with fertilizer or nutrients for the tree which then transforms into fruits or vegetable. These fruits and vegetable are all pure and can be eaten.

"Except for *al-khamr*": *Khamr* is any intoxicant. All intoxicants are *najis* as Allah ﷻ says: **{O you who believe! Intoxicants and games of chance and [sacrificing to] stones set up and [dividing by] arrows are only an uncleanness, the Shaytān's work; shun it therefore that you may be successful.}**[307] Allah terms intoxicants as "*rijz*" which means impurity or uncleanness. He also says, "**Shun it**", ordering us to steer far away from intoxicants. This is yet another proof that it is *najis*. If however it loses its strength and intoxicating effect and becomes vinegar once again then it is pure. This is if the transformation was unaided.

305 Reported by Ahmad (6/290), Abu Dawūd (383), al-Tirmidhī (143) and Ibn Mājah (531) that a woman asked Umm Salamah, the wife of the Prophet, "Verily I wear clothes with the hem so long that it drags on the ground when I go to relief myself." Umm Salamah replied, the Prophet ﷺ said, "The ground which follows it cleanses it."

306 This is the *madhab* of Abu Hanīfah. Shaykh al-Islam ibn Taymiyyah chose this view. See *Majmū' al-Fatāwā* (21/479).

307 Al-Mā'idah: 90

فإن خُلِّلَتْ أو تنجَّس دُهْنٌ مائع لم يَطْهُر، وإن خفي موضعُ نجاسةٍ من الثوب أو غيره غُسِلَ حتى يَجْزم بزواله متن

If intoxicants are left to ferment and if liquid clarified butter becomes mixed with *najāsah*, it is contaminated. If an area stained by *najāsah* is hidden from view, then it must be washed until one can assume that it has been removed.

"If intoxicants are left to ferment": I.e. if it ferments until it becomes vinegar, it does not become *tāhir* (clean) according to the correct view.[308] The fermenting process is lengthy which means that intoxicants are kept in one's possession for the whole period. This is unbecoming. One should dispose of it immediately without delay. The Prophet ﷺ was asked about the permissibility of fermenting intoxicants to produce vinegar to which he replied, "No"[309] and ordered that it be disposed of.

"If liquid clarified butter becomes mixed with *najāsah*, it is contaminated": Clarified butter can be either solid or liquid. The former absorbs *najāsah* where it is stained, thus containing it in that spot only. The rest of it is not contaminated and can be used. However, the liquid type, when mixed with *najāsah* becomes wholly contaminated. Therefore it should be poured away as *najāsah*. The Prophet ﷺ said, "If a rat were to fall into clarified butter which is solid, then throw away that portion and what is around it and use the remainder. If it fell into liquid clarified butter, then do not use it at all."[310] Therefore the scholars distinguish between solid and liquid clarified butter with regards to its usage based upon this hadīth. However it is said that the last part of the hadīth, "If it fell into liquid clarified butter, then do not use it at all," is not proven correct.[311] The earlier part of the hadīth is authentic. His saying, "Then throw away that portion and what is around it," encompasses both the solid and liquid state. If a rat or *najāsah* falls into either liquid or solid clarified butter, it along with the surrounding portions should be removed. This is the correct view.

---

308 See *al-Inṣāf* (1/318-319).

309 Reported by Muslim (6/89), Ahmad (3/119, 180), Abu Dawūd (3675) and al-Tirmidhī (1294) from the narration of Anas ibn Mālik.

310 Reported by Ahmad (2/232) and Abu Dawūd (3842) from the hadīth of Abu Hurairah.

311 Ibn al-Qayyim said in *al-Tahdhīb al-Sunan* (5/336 and 337), "The hadīth about the rat falling into clarified butter is disputed by the scholars regarding its chain of narrators and the hadīth itself."

"If an area stained by *najāsah* is hidden from view": I.e. if a person is sure that there is *najāsah* on his clothes for example but cannot pinpoint the location. In this situation he must wash the clothes in the area he assumes the *najāsah* could be located until he is certain it has been removed. This is also the case for stained carpets. As for *najāsah* on the ground, it depends whether it is a contained spot or a vast area. The former is dealt with in a similar manner to stained clothes. The vast area should be examined for a clean spot and prayers can be done anywhere not stained by the *najāsah*.

متن

ويطهر بول غلام لم يأكل الطعام بنضحه

The urine of a male infant who has not begun consuming solid food is cleansed by sprinkling water upon the stain.

"The urine of a male infant who has not begun consuming solid food is cleansed by sprinkling water upon the stain": This is one of the types of *najāsah* that was mentioned earlier: the weak *najāsah*. The urine of the male un-weaned infant is cleansed simply by sprinkling water upon the stain. No further action is required. The Prophet ﷺ said, "Wash the urine stains of a female infant and sprinkle water upon the urine stains of a male infant."[312] A male infant urinated upon the clothes of the Prophet ﷺ and so he requested a pot of water to be brought to him. He then poured water over the stains.[313]

As for the male child who has settled on solid food, his urine is washed similar to how an adult's is washed, as we have described previously. However as for females, the child's urine before she settles on solid food is washed just like that of the adult female. We do not know why this is and Allah knows best.

However some scholars explain that the wisdom behind this disparity is that male infants are shown outward affection and cradled more often, they also soil themselves more often. Since it would be difficult for people to wash their clothes completely each time they are stained by urine, the rules were relaxed

312 Reported by Abu Dawūd (376), Ibn Mājah (526), al-Nasā'ī (1/158) and al-Dāraqutnī (1/130) from the narration of Abu Samh.

313 Reported by al-Bukhārī (1/65 to 66), Muslim (1/164) from the narration of 'Aishah. This hadīth is corroborated by another report narrated by 'Alī. Reported by Ahmad (1/76, 97) and Abu Dawūd (378), al-Tirmidhī (610) with the words, "Urine of the male infant is sprinkled upon and the urine of the female infant is washed."

to ease this burden. They are obliged only to sprinkle water upon the stains. Difficulty merits a concession as is evident here. The female infant does not share the same popularity so this concession is not given.[314]

Some other scholars interpret the disparity as being linked to the creation of Ādam ﷺ. Since he is of the same gender and being created from sand which is inherently pure, the male infant's urine is milder than that of the female. As Hawa was created from flesh and blood, there arises a difference in cleansing the urine of the two infants and Allah knows best. Imām al-Shāfi'ī said, "I have not come across a disparity [pertaining to their creation] in the Sunnah."[315]

متن

ويعفى في غير مائع ومطعوم عن يسير دم نجس من حيوان طاهر

Small amounts of blood staining things other than liquids or food are pardoned provided that the blood is from a pure animal.

"Small amounts of blood staining things other than liquids or food are pardoned": This is the fourth type of effective *najāsah,* i.e. that which is pardoned. This sub-divides into two types:

The first sub-type: Small amounts of blood from pure animals like man and cattle. This is not considered a *najāsah* except if it stains a liquid or foodstuff. Any other kind of *najāsah*, such as excretion or urine are not pardoned. They are always impure.

"Small amounts of blood": Traces of blood found in meat after being slaughtered according to the Islamic rites are not considered as *najāsah*. It is allowed to eat the meat along with the blood traces. If these traces stain the clothes, it is not considered an impurity.

"From a pure animal": If blood comes from an animal that is inherently impure like a dog, pig or donkey, it cannot be pardoned and so remains a *najāsah* in all situations.

متن

وعن أثر استجمار بمحله، ولا ينجس الآدمي بالموت

314 See *Fath al-Bārī* by al-Hafiz ibn Hajr (1/391).

315 See *al-Majmū' Sharh al Muhadhib* by Imām al-Nawawī (2/590).

And the traces of impurity found near the source after cleansing with stones (*istijmār*). Mankind does not become *najis* upon death.

<u>The second sub-type</u>: "And the traces of impurity found near the source": The area stained after *istijmār* cannot be completely cleaned except with water. These traces of impurity are pardoned and need not be washed.[316] If not for this concessionary rule, *istijmār* would have become redundant.

"Near the source": I.e. around the point where impurities exit the body. The anus and the tip of the privates are the only areas that this concession can be used. If stains are found far from these two places e.g. on the thighs, then they are not pardoned.

"Mankind does not become *najis* upon death": Both Muslims and non-Muslims do not become *najis* upon death. The corpse of man is pure since his body was pure while alive. Allah ﷻ says: **{And surely We have honoured the children of Adam.}**[317] The Prophet ﷺ asked Abu Hurairah, who was late to meet him, "What delayed you?" He replied, "I was in the state of *janābah*." The Prophet ﷺ replied, "Verily the believer is never impure."[318] This proves that mankind is pure; whilst living as well as upon death. The bathing of the corpse is symbolic and an Islamic rite. It is not an act of purification or cleansing.

متن

ولا ما لا نفس لـه سائلة متولد من طاهر

Bloodless insects are pure.

"Bloodless insects are pure": If these insects die in the water, the water remains unaffected and it maintains its purity. Examples would be dung beetles and spiders. The Prophet ﷺ said, "If a fly falls into your drink, dip the fly into it completely and throw the fly away."[319] He ﷺ ordered that the fly be dipped into the drink. He was referring to a hot drink. It is well-known that a fly dies once it falls into a hot drink, hence he said, "Throw the fly away." However, the Prophet ordered us to consume the drink even after dipping the fly. This

316 See *al-Ikhtiyārāt al-Fiqhiyyah* (p. 9).

317 al-Isrā': 70

318 Reported by al-Bukhārī (1/79) and Muslim (1/194) from the narration of Abu Hurairah.

319 Reported by al-Bukhārī (4/158) (7/181), Ahmad (2/398) and Abu Dawūd (3844) and Ibn Mājah (3505) from the narration of Abu Hurairah.

is evidence that a bloodless insect does not cause water to become impure if it dies in it. This is on the condition that the insect is naturally pure. Exempt from this category are insects that are found in filthy places like lavatory cockroaches.

As for insects or animals that bleed which die in water, the water's purity is affected and it is classified as *najāsah*. This is because the body in this case falls under the category of carcasses. According to the scholars of *fiqh*, carcasses contaminate a body of water, making it *najāsah*.

متن وبول ما يؤكل لحمه وروثه ومنيُّه طاهر، ومنيّ الآدمي

The urine of the animal whose meat is permissible for consumption, its dung, reproductive fluid and man's sperm.

"The urine of the animal whose meat is permissible for consumption, its dung": For example the camel, cow, sheep and wild game whose meat is eaten. The urine and dung of these animals is *tāhir*. If these stain someone's clothes, it does not make it impure. The Prophet ﷺ ordered those suffering from fever to drink the milk and urine of camels that were given in charity as these were a cure for the ailment.[320] This is proof that the urine of the camel is pure. Indeed the Prophet ﷺ would not command that we drink something that is impure.

We also know that the Prophet prayed in the pen where sheep were kept.[321] It is common knowledge that the pen would be stained with sheep urine and dung. This is yet another evidence that the urine and dung of these animals that we eat are not *najis*. Similarly, the reproductive fluids from these animals are also pure.

"And man's sperm": The Prophet had clothes stained with his sperm and he used to scratch the dried remnants of it off of his clothes. He did not wash his clothes to rid them of sperm as displayed in the hadīth narrated by 'Aishah and others that he ﷺ used to pray in the clothes which were stained with his sperm. He did not wash it off. It is sufficient that one just scratch it off his

320 Reported by al-Bukhārī (1/67) (2/160) and Muslim (5/101) from the narration of Anas ibn Mālik .

321 Reported by al-Bukhārī (1/68, 117) and Muslim (2/65) from the narration of Anas ibn Mālik saying, "The Prophet used to pray in the sheep pen before the *masjid* was built."

clothes. 'Aishah said, "I used to scratch off the dried remnants of sperm from the clothes of the Messenger of Allah ﷺ and he would pray wearing them."[322] This is ample proof that man's sperm is pure.

متن ورطوبة فرج المرأة، وسؤر الهرة وما دونها طاهر، وسباع البهائم والطير والحمار الأهلي -والبَغل منه- نجسة

The wetness in the woman's private parts, the food and drink that is leftover by a cat or animals smaller than it are pure. Wild predatory animals, birds and donkeys (mules included) are impure.

"The wetness in the woman's private parts": This is the lubrication that is produced in the vaginal canal. This is not urine which is produced in the urethra.

"The food and drink that is leftover by a cat": The cat is *tāhir* as the Prophet ﷺ said, "It is not impure. Verily the cat is from the animals that go around amongst you."[323] When a cat eats some food or it licks at a drink, what is left of it is permissible for consumption by us. The wisdom is that it lessens the burden to man as cats are always encircling us and curious to taste whatever is in our pots and plates. Allah has made it *halāl* for us to consume food even if the cat takes a bite from it. This is a concession that helps the people greatly.

"Or animals smaller than it are pure": For example mice and hamsters are pure as the cat is the model for inference. This type of animal cannot be contained hence the concession applies to them as well. Exempt however are animals in their infancy which may appear to be the size of a cat. They are not similar for these animals will grow to their full size eventually.

"Wild predatory animals": Such as wolves, tigers, lions, wild dogs and other predatory animals, they are impure. However, if these animals drink from a river, lake or a water-hole, then the huge amount of water will neutralise the *najāsah* of these animals sipping from it. The Prophet ﷺ was asked about the water from a watering hole of wild animals to which he replied, "If [the quantity] of water is *qullatayn*, it shall not be contaminated by filth."[324] If the

322 Reported by Muslim (1/164), Ahmad (6/125, 132) and Abu Dawūd (372).

323 Reported by Ahmad (5/303), Abu Dawūd (75), al-Tirmidhī (92), al-Nasā'ī (1/55) and Ibn Mājah (367) from the narration of Abī Qatādah.

324 Reported by Ahmad (2/12, 27), Abu Dawūd (63), al-Tirmidhī (67), al-Nasā'ī (1/46) and

water surpasses the threshold after which it is deemed excessive water, it can neutralise any *najāsah* unless its attributes are changed, as was discussed earlier in the book. The predatory birds that are referred to here are eagles, falcons and other such wild birds.

Also the tools used to hunt these animals are also *najis* as is their dung. This is because the meat of these animals is not permissible for consumption. However the animals that they themselves hunt (i.e. their prey) are permissible for consumption by man despite the presence of saliva on the bodies of the prey. Allah ﷻ says, **{So eat of that which they catch for you.}**[325]

"And donkey": This is inherently a *najāsah*. Whatever minimal water that remains after it has drunk from it is impure. Its urine and dung are likewise impure. This is the *madhab* of Ahmed.[326] The Prophet ﷺ said, "It is filth."[327] And filth (Arabic: *rijz*) is *najāsah*. Another view is that donkeys are not *najis*. This is the opinion of Shaykh Taqī al-Dīn and a group of scholars.[328] This is because the Muslims worldwide are still using the donkey; riding upon it and using it to carry their loads. Even as its urine and dung is abundantly present, we do not see the Muslims taking special precautions to avoid it or washing their clothes every time they are stained by it. The wild onager is distinct from the common donkey. The former is pure and its meat is permitted for consumption. The mule however is like the common donkey pertaining to rules of *fiqh*. The only distinguishing fact is that a mule is a hybrid between a horse and a donkey.

Ibn Mājah (517) from the narration of Abu Hurairah.

325 Al-Mā'idah: 4

326 See *al-Inṣāf* (1/342).

327 Reported by al-Bukhārī (5/167) (7/124) and Muslim (6/65) from the narration of Anas.

328 Amongst them are al-Ājirī, Ibn Rizzīn, Ibn Tamīm and Ibn Qudāmah. After having elaborated upon this view, it is mentioned in *al-Inṣāf*, "This is the most authentic and has stronger evidence." (1/342) See *Majmū' al-Fatāwā'* (21/520).

باب الحيض
CHAPTER: MENSTRUATION

"Chapter on menstruation": Menstruation is amongst the impurities which necessitate *ghusl*. Both menstruation and postnatal bleeding concern women and the author's intention is to address the rules pertaining to these two types of bleeding and also post-menstrual bleeding. Each kind of bleeding has its own rulings in *fiqh*.

Menstruation (Arabic: *hayd*) is the natural flowing of blood from the inner womb during specific times. It was created by Allah ﷻ in relation to the nourishment of the foetus in the mother's womb.[329] The definition says that it is the natural flowing of blood that is not due to an ailment, pain or hemophilia. It is a thing endowed by Allah for women that flows in specific times also known as monthly periods.

As for postnatal bleeding (*nufas*), it is blood from the womb after delivery.[330] *Istihādah* (irregular bleeding) is due to an ailment[331] which is similar to haemophilia (*nazīf*) and which originates from the top most region of the womb. This bleeding is not periodic and can occur at any time.

These three kinds of bleeding have their own specific rulings. The author starts by elaborating upon menstruation.

Hayd linguistically means "flow". The Arabs say that the "valley flowed" (*hāda*

329 See *Lisān al-'Arab* (7/142) and *al-Mutla'* (p. 40) and *al-Dar al-Naqī* (1/139).

330 See *al-Dar al-Naqī* (1/150).

331 See *al-Mutla'* (p. 41).

al-wādī) if there is a surge after rainfall. Technically, it is ordinary blood that is produced during specific times from the inner most region of the womb. It is to facilitate the nourishment of the foetus in the womb in the future.

متن لا حيض قبل تسع سنين، ولا بعد خمسين، ولا مع حَمْلٍ. وأقلُّه يومٌ وليلةٌ، وأكثرُه خمسةَ عشرَ، وغالبُه ستٌّ أو سبعٌ

There is no menstruation before the age of nine or after the age of fifty. It ceases during pregnancy. The shortest period is a day and a night. The longest period is fifteen days. Most often it is six or seven days.

"There is no menstruation before the age of nine or after the age of fifty. It ceases during pregnancy": These are three scenarios where there is no menstruation:

First: Before the age of nine. This is not possible as Allah ﷻ has so ordained that a girl will not menstruate before this age. If there is vaginal bleeding before nine, then it is due to some other reason and not *hayd*. 'Aishah said, "When a girl reaches nine years of age, she is a grown woman."[332] A girl of this age can conceive as was mentioned by Imām al-Shāfi'ī, "I saw a grandmother who was only twenty one years old."[333] This means that she conceived at the age of nine. Her child became pregnant at the same age too. This made it possible for her to be a grandmother in her twenties. This is evidence that the youngest a girl starts menstruating is nine years old.

Second: There is no menstruation once a woman reaches fifty years old. She enters into menopause and if there is vaginal bleeding after this age, it is due to some illness. This age is known as the years of despair. Allah says: **{And those who no longer expect menstruation.}**[334] According to the *madhab* of Imām Ahmad, the age of despair is fifty. There are two other opinions in the *madhab* regarding this matter. One opinion is that the age is sixty. A third view does not demarcate any age. However the first view, that the age is fifty, is that which is well known (*mashūr*).

332 This comment was mentioned by al-Tirmdhī at the conclusion of hadīth 1109. Al-Bayhaqī did likewise in his book *al-Sunan al-Kubrā'* (1/319).

333 Reported by al-Bayhaqī in *al-Sunan* (1/139).

334 al-Talaq: 4

Third: The pregnant woman does not have menses. If there is vaginal bleeding it is surely not menstrual blood. It could be hemophilia for Allah has ordained that the normal menstrual cycle ceases temporarily during pregnancy.

"The shortest period is a day and a night. The longest period is fifteen days. Most often it is six or seven days": The period of menstruation is divided into three: the shortest, longest and the normal periods.

"The shortest period": Which is one day and one night. Anything shorter than a day and a night is not considered *hayd*. This can be derived from the incident when a divorced woman came to 'Alī ibn Abī Tālib and claimed that her *'iddah* (waiting period) was over in a month. Shurayh al-Qādī was with 'Alī who asked him his opinion regarding the woman's claim. Shurayh replied, "If she is able to produce evidence to substantiate her claim, then verily her waiting period has lapsed." 'Alī concurred with this opinion.[335] In the commentary, we are told that the woman had menses for a day and a night then was menses free for thirteen days, had menses thereafter for a day and a night, then was menses free for another thirteen days. All of this happened within twenty eight days. This means that she completed her waiting period in a month.

"The longest period": Which is fifteen days as this is the longest period mentioned by many of the predecessors. If bleeding exceeds this period, then it is not *hayd*.

"Most often it is six or seven days": The most common period for *hayd* is six or seven days in a month. The Prophet ﷺ said to Himnah bint Jahash, "Your menses is six or seven days by the wisdom of Allah. Have a bath and then pray after this period."[336]

متن وأقلُّ طُهرٍ بين حيضتين ثلاثةَ عشرَ، ولا حَدَّ لأكثره، وتقضي الحائض الصومَ لا الصلاةَ، ولا يَصِحَّان منها بل يَحْرُمان

The shortest period between two menses is thirteen days. There is no set limit for the longest period. The menstruating woman repays the fasts that she missed due to menses but not the prayers. She is forbidden from praying

335 Reported by Ibn Abī Shaybah (4/200) and al-Bayhaqī in *al-Kubrā* (7/114).

336 Reported by Ahmad (6/381, 439), Abu Dawūd (287), al-Tirmidhī (128) and Ibn Mājah (622) from the narration of Himnah bint Jahash.

or fasting during her menses.

"The shortest period between two menses is thirteen days": In the story of the woman [that came to 'Alī], it would have been impossible for her to complete the waiting period in a month unless she had only thirteen menses free days. Hence, this is the shortest period recorded.

"There is no set limit for the longest period": The longest period has no limit as some women do not even menstruate. Some others menstruate in between long gaps.

"The menstruating woman repays the fasts that she missed due to menses but not the prayers": The menstruating woman should neither pray nor fast. Rather she is forbidden from these acts of worship during her menstrual period. When she is free from menses, she must repay her fasts that she missed in Ramadān. Prayers missed during one's menses are pardoned so there is no need to repay them. What is the wisdom behind this? This is a type of concession for the woman. The prayers are done five times a day and so due to the sheer difficulty of repaying them, they are pardoned. Fasting on the contrary is done once a year and there is no stress in her repaying them over the period of a year. Hence it is a must for women to do so.

"She is forbidden from praying or fasting during her menses": Performing these acts of worship during menstruation goes against the Sunnah of the Messenger of Allah ﷺ. Since acts of worship are divinely ordained, one should base it purely on evidences from the Qur'ān and Sunnah. A woman who fasts during her menstruation is indeed an innovator.

متن **ويحرمُ وطؤها في الفرج، فإن فعل فعليه دينار أو نصفُه كفَّارة، ويستمتع منها بما دونه**

Vaginal intercourse with her during her menses is forbidden. If it is committed, then the recompense is one dinar or half a dinar. They can take pleasure through other means.

Some of the things that are forbidden for a menstruating woman were discussed in the Chapter of *Ghusl* like prayer, reading the Qur'ān, touching the *mus-haf* and staying within the *masjid*. She is also not to be divorced while

she is in her menses as Allah says: **{O Prophet, when you [Muslims] divorce women, divorce them for [the commencement of] their waiting period and keep count of the waiting period, and fear Allah, your Lord}**[337] I.e. that she is free of menses and has not had sexual intercourse since, as Ibn 'Abbās commented.[338] When Ibn 'Umar divorced his wife while she was in her menses, the Prophet ﷺ ordered him to reunite with her.[339] This is proof that divorcing a menstruating woman is not permissible.

"Vaginal intercourse with her during her menses is forbidden": This is based on the ayah: **{And they ask you about menstruation. Say: "It is a discomfort; therefore keep aloof from the women during the menstrual discharge and do not go near them until they have become clean; then when they have cleansed themselves, go in to them as Allah has commanded you."}**[340] However having sexual relations with her is allowed if one avoids vaginal intercourse. It is permissible to lay with her and enjoy foreplay. The Prophet ﷺ used to ask his wives to wear clothes that were worn especially when a woman was menstruating. He would then engage them in foreplay.[341]

Unlike Islamic law, the religious law adopted by the Jews ostracise the menstruating woman such that the men do not even sleep beside her or eat what she cooks and they even go to extremes in isolating her.[342] How beautiful is

337 Al-Talaq: 1

338 Reported by Ibn Jarīr in his *Tafsīr* (28/129).

339 Reported by al-Bukhārī (7/52) and Muslim (4/179, 180) from the narration of 'Abdullah ibn 'Umar.

340 Al-Baqarah: 222

341 Reported by al-Bukhārī (1/82), Muslim (1/166) from the hadīth of 'Aishah.

342 Reported by Muslim (1/169), Ahmad (3/132), Abu Dawūd (258), al-Tirmidhī (4977) and al-Nasā'ī (1/152, 187) from the narration of Anas ibn Mālik who said, "Amongst the Jews, when a woman menstruated, they did not eat with her and drink with her and did not associate with her in their houses, so the Prophet ﷺ was questioned about it. Hence, Allah revealed, **{And they ask you about menstruation, Say "It is harmful, so keep aloof from women during menstruation}** until the end of the ayah. The Prophet ﷺ said, 'Associate with them in the houses and do everything except sexual intercourse.' The Jews thereupon said, 'This man does not leave anything we do without opposing us in it.' Usayd ibn Hudayr and 'Abbād ibn Bishr came to the Prophet and said, 'O Messenger of Allah, the Jews are saying such and such. Shall we not have intercourse with them during their menstruation?' The face of the Prophet ﷺ underwent such a change that we thought he was angry with them, so they went out. They were met by a gift of milk which was being brought to the Prophet and he sent after them, whereby we felt that he was not angry with them."

our *dīn* which allows couples to enjoy themselves during the women's period so long as it is not vaginal intercourse, and allows the husband to eat what she cooks and has handled. It is permissible to touch her body and her perspiration or her saliva. All other things are permissible too.

Only vaginal sex has been ruled out. All other forms of sex are still permissible during her menses. Allah ﷻ says: **{Therefore keep aloof from the women during the menstrual discharge.}** Meaning the place from where menstrual blood discharges.

"If it is committed, then the recompense is one dinar or half a dinar": I.e. if he had sex with his wife while she was menstruating, he has committed a sin and has gone against the above command from the Qur'ān. Thus there must be retribution. It is to pay a dinar or half a dinar along with repentance. Ibn 'Abbās narrated that, "He should give a dinar or half a dinar to charity."[343] A dinar is the measure of weight of gold.[344]

متن

وإذا انقطع الدمُ ولم تغتسلْ لم يُبَحْ غيرُ الصيام والطلاق

When the menstrual blood stops and the woman has not yet performed *ghusl*, only fasting and divorce is permissible at this stage.

"When the menstrual blood stops and the woman has not yet performed *ghusl*, only fasting and divorce is permissible at this stage": Her husband can divorce her after the stoppage of menstrual blood even before she has purified herself with *ghusl*. Similarly, if bleeding stops before the *fajr* prayer, she can start to fast even before taking her compulsory bath as purification is not a pre-requisite for fasting. Also, if her menses stops midday during Ramadān, she should refrain from eating or drinking until dusk and then re-pay the missed fast another day. Sexual intercourse is only permissible after a woman has performed *ghusl* to purify herself from *hayd*. Allah says: **{Therefore keep aloof from the women during the menstrual discharge and do not go near them until they have become clean; then when they have cleansed them-**

343 Reported by Ahmad (1/230, 237), Abu Dawūd (264), al-Tirmidhī (136) and al-Nasā'ī (1/153).

344 The value of a dinar is 4/7 to the value of the Saudi riyal. If the gold price is about 70 riyals, a person must give 20 or 40 riyals as compensation for having sexual intercourse with his menstruating wife. This is a ruling of the Permanent Committee for Research and Fatwa. (5/439).

selves, go in to them.}[345]

Thus the two pre-requisites for sexual intercourse with her are:

1. The stoppage of menstrual blood.
2. Performing the *ghusl.*

Having attained just one of these two pre-requisites is not sufficient. Attaining both is a must.

متن

والمُبْتَدأَةُ تجلس أَقَلَّهُ ثم تغتسل وتصلِّي، فإن انقطع لأكثره فما دون اغتسلتْ إذا انقطَعَ، فإن تكرر ثلاثاً فحيض، وتقضي ما وجب فيه

A woman having menstruation for the first time should observe it for the shortest menstrual period. She can then perform *ghusl* and resume praying. If it prolongs to the longest period or a slightly shorter period, then she purifies herself when the bleeding stops. If this new pattern reoccurs thrice, it is deemed as menstruation and all dues pertaining to it should be repaid.

"She should observe it for the shortest menstrual period. She can then perform *ghusl* and resume praying. If it prolongs to the longest period or a slightly shorter period, then she purifies herself when the bleeding stops. If this new pattern reoccurs thrice, it is deemed as menstruation and all dues pertaining to it should be repaid": The ruling is that she should wait a day and a night if she notices vaginal blood for the first time. After this, she should make *ghusl* and pray. If however it reoccurs thrice, it should be deemed as menstruation. This is the *madhab* of Imām Ahmed.[346]

The correct view is that it should be deemed as menstruation from the first time there comes forth bleeding. The *mubtada'a* is like any other woman. She should deem vaginal bleeding as menstruation so long as it is within the fifteen day maximum period. This is the only expectation from a women pertaining to her menses.

"A woman having menstruation for the first time should observe it for the

345 Al-Baqarah: 222

346 See *al-Mughnī* (1/408).

shortest menstrual period": This view arises from wanting to confirm the affair. Thus she is made to observe it over a three month period to qualify it as menstruation. However, all of this is too cumbersome. Furthermore, there is no proof or evidence to demand this approach.

"And all dues pertaining to it should be repaid": If she had fasted during the three months of the unconfirmed menstrual cycle, it is considered null and void after the three months. [So according to this view i.e. that she should observe herself over three months,] she needs to repay these fasts even though she fasted them.

متن وإن عَبَرَ أكثرُه فمستحاضةٌ، فإن كان بعضُ دمها أحمر وبعضُه أسود ولم يَعْبُرْ أكثرَه ولم يَنْقُصْ عن أقلِّه فهو حيضُها: تجلسه في الشهر الثاني، والأحمرُ استحاضةٌ، وإن لم يكن دمُها متميزاً جلست غالب الحيض من كل شهر

If she exceeds more than that, then it is *istihādah*. If part of her menstrual blood is red and other parts black in colour and she has not exceeded the longest period and has bleeding for a minimum of a day and a night, this is her menstruation. She should expect it at the same time the following month. Red blood is *istihādah*. If her blood is indistinguishable, then she adopts the standard menstrual period for each month.

This is the second type of blood.

"If she exceeds more than that, then it is *istihādah*": This is menstrual blood that exceeds the fifteen day maximum period. The blood flows with an abnormal timing. The cause of this is not that which brings about menstruation. Menstrual blood stems from the inner-most womb but in *istihādah*, it comes from the outer womb. Menstrual blood is ordinary blood whereas *istihādah* blood is blood that stems from illness or from hemophilia. Menstrual blood has a fixed timing and pattern while *istihādhah* is irregular. *Istihādhah* is of two types:

1. That which exceeds fifteen days. It falls short of this sometimes.
2. That which mixes with blood and does not cease at all.

It can be further separated and detailed in three states:

First: The first type is a normal menstruation with fixed periods before the ailment struck. She observes her normal period and makes *ghusl* once it is over and starts praying even if there remains bleeding. This is because the Prophet ﷺ ordered women with *istiḥāḍah* to observe their normal menstrual periods saying, "Observe your normal menstrual period and then take the bath and pray."[347]

Second: "If part of her menstrual blood is red and other parts black in colour and she has not exceeded the longest period and has bleeding for a minimum of a day and a night, this is her menstruation. She should expect it at the same time the following month. Red blood is *istiḥāḍah*": If she does not know her normal period, that is if she has menses in an irregular pattern or she has a regular pattern but has forgotten it, she has to look at the colour of her menstrual blood which is easily distinguished from other types of blood. It is a thick, strong scented and blackish blood. Strongly differing from the blood of *istiḥādhah* which is thin, bright red in colour and does not possess the same strong scent. The Prophet ﷺ said, "Verily menstrual blood is blackish and is distinct."[348] I.e. distinct due to the nature of its scent.

Therefore a woman is able to know when it is menstrual blood and not *istiḥāḍah* so that she can observe the restrictions. She purifies herself once these signs disappear and restarts her prayers. Anything dissimilar to these signs should be considered *istiḥādhah*. It is easy for her to distinguish menstrual blood due to its distinct properties. This is called "*al-tamyīz*" (distinguishable *istiḥāḍah*).

Third: "If her blood is indistinguishable, then she adopts the standard menstrual period for each month": If she neither has a fixed menstrual pattern nor can she distinguish her blood then it is called "*al-mutaḥayyirah*" (wavering *istiḥādhah*). She has to adopt the standard menstrual period of six or seven days each month as the Prophet instructed, "Your menses is six or seven days..."[349]

To recap, these are the types of *istiḥāḍah*:

347 *Ṣaḥīḥ al-Muslim* (1/181-182) from the narration of 'Aishah.

348 Reported by Abu Dawūd (286, 304) and al-Nasā'ī (1/123) from the narration of Fāṭimah bint Abī Hubaysh.

349 Reported by Ahmad (6/381, 439), Abu Dawūd (287), al-Tirmidhī (128) and Ibn Mājah (622) from the narration of Himnah bint Jahash.

1. Normal *istihādhah*: she observes her normal menstrual period.
2. Distinguishable *istihādhah*: she can distinguish the menstrual blood.
3. Wavering *istihādhah*: she observes her standard menstrual period every month, that is six or seven days.

With this classification, the problem of *istihādhah* is solved. It is important to note that the root of the matter is derived from the hadīth of the Prophet ﷺ regarding this issue.

متن والمُستحاضةُ المُعتادةُ ولو مُمَيِّزةً تجلس عادتها، وإن نسيتْها عملت بالتمييز الصالح، فإن لم يكن لها تمييزٌ، فغالبُ الحيضِ كالعالمةِ بموضعِه، الناسيةِ لعَدَدِه، وإن علمتْ عَدَدَهُ ونسيتْ موضعَهُ من الشهر ولو في نصفه جلستْها من أولـه، كمن لا عادةَ لها ولا تمييز

If a woman with normal *istihādhah* can distinguish her menstrual blood, she should maintain her normal duration. If she has forgotten her normal duration, she should go by the distinct appearance and smell of the blood and if she cannot even see distinct properties in the blood, she should maintain the standard menstrual period of six or seven days like the woman who remembers the week of the month she had her menses but forgot its duration. However, if she knows the duration but forgot the week of the month she gets her menses, she has to observe the standard duration; taking on the ruling of the woman who does not have regular periods or indistinguishable blood flow.

"If a woman who has normal *istihadhah*": This is the first type that we discussed. It is she who knows her menstrual period. Bleeding after this known period is ignored and she is considered clean.

"If she has forgotten her normal duration, she should go by the distinct appearance and smell of the blood": This is the second type of *istihādah*. She has forgotten her normal timing or has irregular periods. Therefore she will base it upon the appearance of her vaginal blood. If it is distinct menstrual blood, she observes its limitations and if otherwise, she is in a pure condition. This is clear.

"If she cannot even see distinct properties in the blood": This is the third type of *istihādhah*. If she doesn't have a normal menstrual pattern or timing and

cannot distinguish the vaginal blood, she maintains the standard menstrual cycle of six or seven days each month.

متن ومن زادتْ عادتها أو تقدمت أو تأخرت فما تكرر ثلاثاً حيضٌ، وما نَقَصَ عن العادة طهرٌ، وما عاد فيها جلستْه، والصُّفْرَةُ والكُدْرَةُ في زمن العادة حيضٌ

If one has a longer period than usual or the period is earlier or later, and it has repeated thrice, then it is her menstruation. If it is shorter than her normal period, then she can purify herself earlier and if it returns whilst within the normal length, then she adjusts accordingly. The yellowish and murky discharge seen during the normal period is considered menstruation.

"If one has a longer period than usual or the period is earlier or later": This is known as an alteration of the normal menstruation. Many factors affect a woman's menstruation in current times. For example, her ill-health, over-eating, drinking new concoctions unknown to her and consuming too much medication. These factors aid in sending her menstrual cycles into disarray. Hence a woman must observe her menstrual cycle as long as there is bleeding, even though there is a change to her normal period. It is obligatory to maintain her menstrual period, even though it might be delayed or come early or it lengthens as long as it is within fifteen days. The rules of menstruation apply so long as there is blood.

"And it has repeated thrice, then it is her menstruation": It is not a condition that it repeats three times. In fact, any change to the normal period is taken as a change from the first time it occurs. It need not happen thrice to be confirmed as menstruation for that entails much difficulty for women.

"The yellowish and murky discharge seen during the normal period is considered menstruation": Sometimes women do not notice the blood during the menstrual period but sees only murky or yellowish discharge.[350] If this occurs during her menses, it is considered to be the menstruation. However, if this is seen on days when she is menses-free, she is considered to be clean. Women used to send little boxes to the mother of the believers, 'Aishah, with a piece of cotton cloth in each one upon which was yellowness from menstrual blood, asking her about the prayer. She said to them, "Do not be hasty until you see a

350 Yellowish discharge: this is seen while she is still bleeding and murky discharge: this is a greyish black discharge.

white discharge."[351] By that she meant purity from menses. 'Aishah considered the yellowish and murky discharge as menstruation if it occurred during a woman's normal menstrual period. If she sees these discharges after she is free of any discharge, it can be ignored as Umm 'Atiyah said, "We did not bother about the yellowish and murky discharge after we were menses-free."[352]

متن ومن رأتْ يوماً دماً ويوماً نقاء، فالدمُ حيضٌ، والنقاءُ طُهْرٌ ما لم يَعْبُرْ أكثرُه

And whoever sees vaginal blood one day and nothing the next, she should consider the day with blood as menstruation and the day without as having achieved purification. This is provided that the fifteen-day maximum duration is not exceeded.

"And whoever sees vaginal blood one day and nothing the next, she should consider the day with blood as menstruation and the day without as having achieved purification." This is also from the problems related to menstruation. In this case, the women should observe the limits of *hayd* if there is blood and cleanse herself, pray and fast on days when there is no blood. This situation is known as "illusory menstruation." This applies only for fifteen days or less; the periods of purified state in between are included in the duration count.

"Maximum duration is not exceeded": Anything more than fifteen days cannot be considered as menstruation.

متن والمستحاضةُ ونحوها تغسل فَرْجَها وتعصبه وتتوضأ لوقت كل صلاة وتصلي فروضاً ونوافلَ

The woman who has *istihādah* or its like should wash her private parts and wrap it up. She then makes ablution for every prayer in its time and can pray both obligatory and *nawāfil* (optional) prayers.

These are the rules pertaining to *istihādah*. Women who have this condition are in the state of purity and should pray and fast. The husband is permitted to have sexual intercourse with her while she is in this condition. What then will she do if her bleeding flows continuously and she is obliged to pray? The

351 Reported by Mālik in *al-Muwatta* (p. 60) and al-Bukhārī, see *Fath al-Bārī* (1/420).

352 Reported by al-Bukhārī (1/89), Abu Dawūd (307-308) and al-Nasā'ī (1/186).

woman who has *istiḥādah* or its like should wash her private parts and wrap it with something.

"She then makes ablution": When she has to pray, she makes *istinjā'* and cleans the vagina. She places a piece of cotton (or something similar like the sanitary pad)[353] and secures it in a way that stems the flow of blood. She concludes by performing ablution. It is obligatory for her to perform *wudhū* for each prayer because of the bleeding. Washing her private parts every time she wants to pray is recommended only and not mandatory. This is called the "constant impurity".

"For every prayer in its time": I.e. once each prayer is due. This is because this cleansing is out of necessity. It is not performed except when there is a dire need. The dire need in this case is the performance of prayer. She follows these steps and begins to pray. She continues to do so even if blood flows whilst she is praying. Allah says: **{Therefore be careful of [your duty to] Allah as much as you can.}**[354] And: **{Allah does not burden a soul more than what it can bear.}**[355]

"And can pray both obligatory and *nawāfil* (optional) prayers": Whilst the time of the specific prayer that she performed the *wudhū* for has not lapsed.

متن

ولا تُوطأُ إلا مع خوفِ العَنَتِ، ويستحب غسلُها لكل صلاة

And one should not have sexual intercourse with his wife who has *istiḥādah* except due to fear of falling into sin. It is recommended that she have a bath every time a prayer is due.

"And one should not have sexual intercourse with his wife who has *istiḥādah* except due to fear of falling into sin": It is disliked that one has sexual intercourse with his wife whilst she is in the state of *istiḥādah*. This is due to the impurity inherent within her. However if he fears that he might fall into sin or *fitnah*, he can have sexual intercourse with his wife.

"It is recommended that she have a bath every time a prayer is due": Bathing

353 Translator's addition.

354 al-Taghābun: 16

355 al-Baqarah: 286

when each prayer is due is recommended whilst making *wudhū* is *wājib*. The Prophet ﷺ ordered Fātimah to perform *wudhū* for every prayer.[356] He did not command her to take a bath though some female companions of the Prophet ﷺ were known to take a bath for every prayer that was due. This was their own judgement and not the order of the Prophet ﷺ.

متن

وأكثر مدةِ النِّفاسِ أربعون يوماً، ومتى طَهرتْ قبله تطهَّرتْ وصلَّتْ، ويكره وطؤُها قبل الأربعين بعد التطهُّر

The maximum duration for post-natal bleeding (*nufas*) is forty days. If bleeding stops before that, a woman can purify herself and pray. If she does so, sexual intercourse before the forty day period ends is disliked.

"The maximum duration for post-natal bleeding (*nufas*) is forty days": This is the third type of blood. *Nufas* is blood from the womb after childbirth which was held back during pregnancy. It was a source of nutrition for the foetus in the womb. After the baby was delivered, the blood was released, hence the name "*nufas*" or release. The maximum duration of *nufas* is forty days as this is a standard with most women. This is the view of most scholars as a woman having *nufas* for more than forty days is rare and laws never encompass rare circumstances.

The minimum duration for *nufas* is not set. Sometimes it lasts for just a day or two. There are cases where women do not have post-natal bleeding at all.

"If bleeding stops before that, a woman can purify herself and pray": That is if bleeding stops before the maximum forty days, she can make *ghusl* and pray though she must stop if bleeding resumes within the forty day period. The prayers and fasts performed during the days in which she did not bleed are valid.

"If she does so, sexual intercourse before the forty day period ends is disliked": As in the case of having sexual intercourse with a woman with *istihādah*. This is because there is a fairly high probability that her *nufas* could resume.

356 Reported by al-Bukhārī (1/67) from the narration of 'Aishah who said, "Fātimah bint Abī Hubaysh came to the Prophet and said, "I am a woman with post-menstrual bleeding..." [Until the command of the Prophet ﷺ,] "Then make ablution for every prayer and fulfil that particular prayer with it."

متن فإن عاودها الدم فمشكوكٌ فيه؛ تصوم، وتصلي وتقضي الواجب. وهو كالحيض فيما يَحِلُّ ويَحْرُمُ ويسْقُطُ، غير العدة والبلوغ، وإن ولدت توأمين فأول النفاس وآخره من أولهما

If bleeding resumes after having stopped within the forty day period, and there is doubt about it, she should pray and fast despite the bleeding and repay the mandatory acts. It is similar to menstruation which has its set limitations and rules. The only differences are with regards to '*iddah* (waiting period after divorce) and also with regards to puberty. If she gives birth to twins, then her *nufas* duration starts from the time of delivery of the first twin.

"And there is doubt about it": There is doubt if it is *nufas* blood or dirty blood. The correct opinion is that it is *nufas* and she should follow the rules of it.[357]

"She should pray and fast despite the bleeding and repay the mandatory acts": That is, repay the prayers after forty days as a precautionary measure lest the blood was indeed *nufas* or dirty blood. The correct opinion however is that she need not repay it.

"It is similar to menstruation": I.e. *nufas* is similar to *hayd* in terms of rules and limitations:

1. *Halal*: In both cases, the husband is allowed to have foreplay with his wife, though vaginal sexual intercourse is prohibited.
2. *Haram*: In both cases, vaginal sexual intercourse is forbidden as is divorce, touching the Qur'ān and reading it. She is not allowed to make *tawaf* and stay within the *masjid*.
3. *Wajib*: It is mandatory in both cases to perform *ghusl* when bleeding stops as is the payment or re-compensation for having sexual intercourse whilst the wife is in the state of *hayd* or *nufas*.
4. Pardoned: The obligation to pray is removed during this stage and she is pardoned from making it up or repaying it.

"The only differences are with regards to '*iddah* (waiting period after divorce) and also with regards to puberty": Menstruation is an important factor for the divorced woman. *Nufas* is not. Allah ﷻ says: **{Divorced women remain in**

357 See *al-Insāf* (1/384-385).

waiting for three periods.}[358] The word "*qurū*"[359] in this ayah refers to menstruation. The woman with *nufas* on the other hand is free of *'iddah* once she delivers her baby.

"And also with regards to puberty": Puberty is known by menstruation. Not by *nufas*.

"If she gives birth to twins, then her *nufas* duration starts from the time of delivery of the first twin": The duration of *nufas* is calculated from the time the first twin is delivered and subsequently the completion of the duration is also based upon this. The second twin's delivery is inconsequential.

358 Al-Baqarah: 228

359 It is also said to be "purification", an antonym of sorts. See *al-Sihāh* (1/63).

كتاب الصلاة
THE BOOK OF PRAYER

- *Adhān* and *iqāmah*
- Conditions of prayer
- Description of prayer
- Prostration due to forgetfulness
- Optional prayers
- Congregational prayer
- Prayer of those who are pardoned
- Friday prayer
- The two 'Eid prayers
- The prayer of eclipse
- Prayer seeking rain

كتاب الصلاة
THE BOOK OF PRAYER

"The book of prayer": This discusses the rules of both obligatory prayers and optional prayers which includes the prayer of eclipse, the prayer for seeking rain and the two *'Eid* prayers. This book covers all of the various types of prayers.

The obligatory prayer is the second pillar of Islam after the two declarations of faith (*shahadatayn*) as stipulated in the hadīth narrated by 'Umar ibn al-Khattāb ﷺ.[360] It is mentioned in another hadīth narrated by Ibn 'Umar ﷺ which lists the pillars of Islam.[361] Many other ahadīth mention that the obligatory prayer is the second pillar of Islam. In fact it is the pillar of Islam. As mentioned in the authentic hadīth, "The head of the matter is Islam, its foundation is the prayer and the pinnacle of it is fighting for the sake of Allah ﷻ."[362]

The prayer has great significance to Allah and to the Muslims. Allah mentions it numerous times in the Qur'ān, at times ordering that it be fulfilled and at others exhorting the Muslims to safeguard it. He ﷻ also lauds those who are steadfast in performing their prayers just as he admonishes those who are negligent and heedless of it. Allah mentions the virtue of diligently offering prayers in the ayah: **{And keep up the prayer; surely prayer keeps [one] away from indecency and evil, and certainly the remembrance of Allah is**

360 Reported by Muslim (1/28, 29) and Ahmad (1/28, 51) from the narration of 'Umar ibn al-Khattāb which is also found in al-Bukhārī (1/19-20) as narrated by Abu Hurairah.

361 Reported by al-Bukhārī (1/9) and Muslim (1/34).

362 Reported by Ahmad (5/231-237), al-Tirmidhī (2616) and Ibn Mājah (3973) from the narration of Mu'ādh ibn Jabal.

the greatest, and Allah knows what you do.}[363] Allah ﷻ urges the Muslims to seek help by being patient and by offering the prayers: **{And seek assistance through patience and prayer, and most surely it is a hard thing except for the humble ones. Who know that they shall meet their Lord and that they shall return to Him.}**[364] **{O you who believe! Seek assistance through patience and prayer; surely Allah is with the patient.}**[365] Allah advises us to seek help during hardship and difficulties by offering prayers.

The Prophet ﷺ used to offer *sālah* (prayer) whenever he was overwhelmed by a problem or faced a difficulty.[366] This is because the one who prays begins communicating with Allah and he surrenders all of his affairs to Him ﷻ. Allah commences the description of the characteristics of the believer, those who are the dwellers of Paradise and the dwellers of Firdaws (the highest level of Paradise), with prayers and ends with prayers. He says: **{Successful indeed are the believers. Who are humble in their prayers.}**[367] And towards the end: **{And those who keep a guard on their prayers. These are they who are the heirs, who shall inherit the Paradise; they shall abide therein.}**[368] Similarly, Allah says: **{Surely man is created of a hasty temperament. Being greatly grieved when evil afflicts him. And withholding when good befalls him. Except those who pray. Those who are constant at their prayer.}**[369] And He concludes saying: **{And those who keep a guard on their prayer. Those shall be in gardens, honoured.}**[370]

Salah is an important act of worship of which there are acts that are not performed in the other forms of worship like standing, bowing and prostrating. There is Qur'anic recitation and glorification of Allah ﷻ. A Muslim resonates that Allah is free of shortcomings and defects when he says, "*Subhāna rabī al-'azīm*" and "*Subhāna rabī al-a'lā*." Prayer is a form of supplication, supplication in the form of worship and personal supplications. Scholars technically define *salāh* as words and deeds which commence with the *takbīr* (*allahu akbar*) and

363 Al-Ankabut: 45

364 Al-Baqarah: 45-46

365 Al-Baqarah: 153

366 Reported by Ahmad (5/388), Abu Dawūd (1319) from the narration of Hudhayfah.

367 Al-Mu'minūn: 1-2

368 Al-Mu'minūn: 9-11

369 Al-Ma'ārij: 19-23

370 Al-Ma'ārij: 34-35

which end with pronouncing the *taslīm* (*assalāmu'alaykum wa rahmatullāh*").[371]

As for the linguistic definition, prayer means supplication.[372] Allah says: **{Take alms out of their property, you would cleanse them and purify them thereby, and pray for them.}**[373] I.e. to supplicate for them.

The great significance of *salah* is evident when Allah decided to make it obligatory upon his servant Muhammad ﷺ and upon his followers on the Laylat al-Mi'rāj. He ﷻ raised the Prophet ﷺ from Bayt al-Maqdis (in Jerusalem) to the heavens. He ascended the seven levels of heaven and then Allah ordained it directly to the Prophet ﷺ without the usual intermediary, the angel Jibrīl.

This happened whilst the Prophet was still in Makkah before the migration to Madīnah. He performed *salah* whilst still in Makkah whilst the rest of the ordainments of Islam such as *zakah*, fasting and Hajj were made obligatory after the migration to Madīnah.

Salah is a link between the servant and his Creator. Whosoever neglects it on purpose, has indeed disbelieved. This disbelief is tantamount to apostasy such that some scholars from the *salaf* stated that neglect of no other act of worship leads to disbelief except *salāh*. This is substantiated by evidences from the Qur'ān and Sunnah. Allah ﷻ when mentioning the polytheists says: **{Then if they repent and keep up prayer and pay the poor-rate, leave their way free to them.}**[374] In another ayah Allah says: **{But if they repent and keep up prayer and pay the poor-rate, they are your brethren in faith.}**[375] This ayah proves that those who do not pray are not our brethren in Islam and that they are disbelievers. Allah says: **{Every soul, for what it has earned, will be retained. Except the companions of the right, [Who will be] in gardens, questioning each other about the guilty. [And asking them], "What put you into Saqar?" They shall say: "We were not of those who prayed."}**[376] The first reason mentioned by the disbelievers for their dwelling in Hell is that they were not amongst those who prayed.

371 See *al-Iqnā'* (1/113).

372 See *al-Dar al-Naqī* (1/157).

373 Al-Tawbah: 103

374 Al-Tawbah: 5

375 Al-Tawbah: 11

376 Al-Mudathir: 38-43

Allah says about the disbelievers: **{And when it is said to them, "Bow [in prayer]," they do not bow. Woe on that day to the rejecters.}**[377] The Prophet ﷺ said, "Between the servant and *kufr* and *shirk* lies the neglect of prayers."[378] He also said, "The difference between us and them is the prayer. Whosoever leaves it has disbelieved."[379] The great significance of the prayer is also highlighted by Allah's command that *masjids* be built especially for this act of worship. The *adhān* was revealed just so that people can come to pray at the *masjid*. Allah says: **{In houses (*masjids*), which Allah has ordered to be raised (to be cleaned, and to be honoured), in them His Name is glorified in the mornings and in the afternoons or the evenings, [are] men whom neither commerce nor sale distracts from the remembrance of Allah and performance of prayer and giving of *zakah*.}**[380]

All of these evidences illustrate the importance of *salah* in Islam. However, many Muslims are still neglectful of it. There are those who leave it completely, claiming that Islam is not just about praying. Some do pray, however they perform their prayers beyond the prescribed times of prayer. Most often, the delay is purposeful. Allah says regarding this: **{But there came after them successors who neglected prayer and pursued desires.}**[381] **{So woe to those who pray, [But] who are heedless of their prayer.}**[382] These people are addressed as those who pray. However, they are negligent of it by delaying it beyond the prescribed times without a valid excuse that is acceptable in Islamic law. Allah says: **{Indeed, prayer has been decreed upon the believers a decree of specified times.}**[383] I.e. each prayer has its own prescribed time which is fixed. More details will follow later in the chapter. There are those who pray, but their prayer is incomplete. There also Muslims who do not observe *tamā'nīnah* (moments of stillness in between the movements of prayer) and are hasty in their prayers. These types of prayers may become invalid.

A man entered the *masjid*, prayed and then greeted the Prophet ﷺ who re-

377 Al-Mursalat: 48-49

378 Reported by Muslim (1/61-62) from the narration of Jābir ibn 'Abdullah.

379 Reported by Ahmad (5/346 and 355), al-Tirmidhī (2621), al-Nasā'ī (1/231) and Ibn Mājah (1079) from the narration of Buraydah ibn al-Hasb al-Islamī.

380 Al-Nūr: 36-37

381 Maryam: 59

382 Al-Ma'ūn: 4-5

383 Al-Nisā: 103

ciprocated and then added, "Pray again for indeed you have not prayed." So the man repeated the prayer. When he returned on the second occasion, the Prophet ﷺ told him to repeat his prayer again. The man said, "I swear by Him who has sent you as a prophet that I do not know how to better my prayer more than this. So teach me." He, ﷺ said, "If you stand for prayer, than make *takbīr* and read what is easy for you of the Qur'ān. Bow until you are tranquil in the bowing and rise until you are tranquil in your standing. Then prostrate until you are tranquil in your prostration. Do this throughout your prayer."[384] The Prophet said that the man had not prayed because his prayer was void of *tamā'nīnah*.

There are also those who pray hastily without a conscious effort to focus on the prayer. Their thoughts are elsewhere whilst they are physically present at the *masjid*. The heart sometimes is pre-occupied with worldly affairs even as one prays. How can one taste the sweetness of *salah* when his heart and mind are engrossed in so many other thoughts? No one is going to order this person to repeat his prayer as outwardly he has accomplished the action. However his prayer does not benefit him except for those fleeting moments where his thoughts were drawn back to the prayer.

There are those who do not pray in congregation, choosing to pray in their houses or elsewhere, not in the *masjids* even though they can hear the *adhān*. They claim that the congregational prayer is only Sunnah and not obligatory. A blind man came to the Prophet ﷺ and said, "O Messenger of Allah! I am a blind man and there is no one to guide me and there are many venomous creatures in Madīnah. Do I have an excuse to pray at home?" To which the Prophet ﷺ asked, "Do you hear the call for prayer?" The blind man replied, "Yes". Then the Prophet ﷺ replied, "So answer it."[385]

The blind man was not pardoned from attending congregational prayers at the *masjid* even though he had a valid excuse. Since there was a possibility of him finding someone to guide him to the *masjid*, his excuses were not fully justified. In fact, the obligation to attend congregational prayers is ratified even in dire situations such as the prayer of fear (*salat al-khawf*) which is performed

384 Reported by al-Bukhārī (1/192) (8/68) and Muslim (2/10 and 11) from the narration of Abu Hurairah.

385 Reported by Abu Dawūd (533), al-Nasā'ī (2/109), Ibn Khuzaimah (1478) from the narration of 'Amr ibn Umm Maktūm.

whilst in the midst of a battle with the enemy. Allah commanded the Muslims to pray in congregation even as an armed conflict was going on around them. The *imām* divides the congregation in two during this situation. This is yet another explicit proof that congregational prayer is an obligation though some scholars said that it is only strongly recommended (*mustahab*). This is an independent judgment (*ijtihād*) on their part which is incorrect.[386] It contradicts the evidences in the Qur'ān and the Sunnah of Allah's Messenger ﷺ.

The Prophet ﷺ said, "Whoever hears the *adhān* and does not respond to the call, there is no prayer for him except for those who possess a valid excuse." The narrator, Ibn 'Abbās was asked, "What is the valid excuse?" He replied, "Fear and sickness."[387]

'Abdullāh ibn Mas'ūd said, "Whosoever wishes to meet Allah as a Muslim tomorrow, let him be steadfast in performing the prayer where it is called. Verily Allah has ordained for your Prophet *sunan* (traditions) that guide. These prayers are the *sunan* that guide. If you all prayed at your houses, just like this rebel who prayed in his house, you have indeed let go of the Sunnah of your Prophet. If you leave the Sunnah of your Prophet you will go astray. We have observed that only the hypocrite known for his hypocrisy does that. There were men who were assisted to the *masjid* by two men supporting them on either side until they stood in the rows for the prayer."[388]

The Companions of the Prophet ﷺ never missed the prayer in congregation. Even the old men amongst them sought support from people to get to the *masjid*. [When considering the manner of the elderly Companions,] what do we say regarding the fit and young from amongst them? Would they ignore the call to prayer? Evidently we say no, for they knew its great significance.

Let us not heed the advice of he who says that praying in congregation is only recommended and not an obligation. We heed the guidance of Allah and His Messenger. Scholars do err at times while the Prophet ﷺ is always correct and he is free of sin and error. His words are insusceptible to mistakes. So why do we neglect his guidance and hold on to the opinion of others? Having said

386 Like that of Mālik, al-Thawrī, Abu Hanīfah and al-Shāfi'ī. See *al-Mughnī* (3/5).

387 Reported by Abu Dawūd (551), Ibn Mājah (793) from the narration of 'Abdullah ibn 'Abbās.

388 Reported by Muslim (2/124).

this, it must be pointed out that those scholars (may Allah have mercy upon them) gave the relaxed ruling whilst they themselves never missed praying in congregation.

To summarise, the above discussion emphasises the importance of prayer and its significance. We are also urged to help facilitate anyone who wishes to pray to the best of our ability. We are told to warn people not to be lackadaisical regarding it and to be steadfast in performing it in congregation. These are the immediate objectives and goals for a student of knowledge and those who act as advisors or counsellors. It is unbecoming of them to ignore the indifference people have towards the daily prayers. Turning a blind eye to this problem by regarding it as normal only exacerbates the situation.

Some others propound that the *dīn* is about transactions, or about *akhlāq* (manners). The underlying agenda which is alluded to is that Islam is about being fair in all transactions with the people and showing them the best of manners. This is the core of the religion and the prayer is only secondary. We affirm that these are from religion, however the basis of the religion is as the Prophet ﷺ said, "Islam is the declaration that there is none worthy of worship except Allah and that Muhammad is the messenger of Allah, the establishment of prayer, giving of *zakat*, fasting in Ramadān and making Hajj to the house if one has the means to do so."[389]

May Allah guide the wayward Muslims to the right path and make the observing Muslims more steadfast upon the truth.

متن تجب على كل مسلم مكلَّف، إلا حائضاً ونفساءَ

It is obligatory upon all Muslims who are *mukallaf* except the menstruating woman and the woman having post-natal bleeding.

The following are the conditions that make prayer an obligation:

<u>First</u>: "It is obligatory upon all Muslims": The first condition is that they have to be Muslim. Non-Muslims are not required to do so. It becomes obligatory upon them as soon as they embrace Islam. If one prays in the state of dis-

389 Reported by Muslim (1/28, 29, 30), Ahmad (1/28, 51) from the narration of 'Umar ibn al-Khattāb.

belief, his prayer is not accepted. Therefore the primary obligation upon the non-Muslim is to embrace Islam and then comes the obligation of prayer. As the Prophet ﷺ instructed Mu'ādh, "The first thing you should invite them towards is the declaration that there is none worthy of worship except Allah and that Muhammad is the messenger of Allah. If they were to accept this, then teach them that Allah has made the five daily prayers obligatory upon them... [to the end of the hadīth]."[390]

Second: "*Mukallaf*": I.e. one who is mature and of sound mind. Exceptions would be a child who has not yet reached maturity and the insane who have lost the mental capacity to think rationally. They are not obliged to pray as the Prophet ﷺ said, "The pen has been raised from three; a child until he reaches maturity, the sleeping person until he wakes up and the insane until he attains sanity."[391]

"Except the menstruating woman and the woman having post-natal bleeding": Though they are Muslims and *mukallaf*, they are exempted from prayers due to *haydh* and *nifas* respectively. This is because the pre-requisite for prayer is *tahārah* and the above two conditions make women impure during the entirety of the duration of them being in this state. Therefore they are not obliged to pray as a form of concession which is a mercy from Allah upon them. The evidence for their exemption is that women during the era of the Prophet ﷺ used to stop praying while they had their menstruation.[392]

متن **ويقضي من زال عقلُه بنوم أو إغماء أو سُكْرٍ ونحوه، ولا تصحُّ من مجنون ولا كافر، فإن صلّى فمسلمٌ حُكْماً**

Those who lose consciousness due to sleep, fainting or intoxication have to make up their prayers. An insane person's prayer is not accepted as is the prayer of a non-believer. If one performs it, then he is adjudged a Muslim.

---

390 Reported by al-Bukhārī (2/130 and 169) and (3/169), Muslim (1/38) from the narration of 'Abdullah ibn 'Abbās.

391 Reported by Ahmad (1/154, 158), Abu Dawūd (4401 and 4402), al-Tirmidhī (1423) from the narration of 'Alī ibn Abī Tālib.

392 Reported by al-Bukhārī (1/88) and Muslim (1/182) from the narration of Mu'adhah said: "A woman asked 'Aishah, 'Does a woman repay the prayers that she has missed due to her menses?' 'Aishah replied, 'Are you a *harūriyah*?" We used to menstruate with the Prophet and then become pure, and he did not tell us to make up for the prayers we missed.'"

"Those who lose consciousness due to sleep": I.e. It is temporary. The Prophet ﷺ said, "Whoever forgets to perform his prayers or has fallen asleep during the prayer time, he shall do so when he remembers. There is no penalty for it except the prayer itself."[393]

"Fainting": Those who have fainting spells have to make up the prayer when they regain consciousness. This is applicable as long as they are of sound mind and have fully recovered their cognitive abilities.

"Intoxication": This is because intoxication diminishes the ability to think rationally. Allah says: **{Do not approach prayer while you are intoxicated until you know what you are saying.}**[394] If he is no longer intoxicated, he must make up for the missed prayer.

Those who are in a state of confusion for an extended period after a bad road accident are exempted from making up their missed prayers.

"An insane person's prayer is not accepted as is the prayer of a non-believer": An insane person loses his faculties due to his mind becoming overcome or possessed. He is not obliged to pray for he is among those who are exempted. He does not have to make up the prayers that he missed if he regains sanity. This is because it was not an obligation upon him during the period he was insane. If he prays while being insane, it is not valid for he could not have had the proper intention to pray.

Similarly, a non-Muslim's prayer is invalid as prayer is an act of worship. These acts have a pre-requisite that one has to be Muslim before their performance. This applies to the apostate as well.

"If one performs it, then he is adjudged a Muslim": Superficially he is a Muslim and one assumes that he has verbalised the two declarations of faith. However, his intention is known only to him and Allah.

متن **ويؤمر بها صغير لسبعٍ، ويضرب عليها لعشرٍ، فإن بَلَغَ في أثنائها أو بعدَها في وقتها أعاد**

A child of seven should be ordered to perform the prayer and at the age of

393 Reported by al-Bukhārī (1/155), Muslim (2/142) from the narration of Anas ibn Mālik.

394 Al-Nisā: 43

ten, he is struck if he doesn't pray. If he or she attains puberty during the prayer or afterwards while the prayer time has yet to lapse, he or she must repeat the prayer.

"A child of seven should be ordered to perform the prayer": We have discussed that it is not obligatory for a child to perform the prayer. However, they are urged to pray from the age of seven so that it serves as training for the future. The prayer is still optional for the child and he is rewarded for it. The Prophet ﷺ said, "Command children to pray at seven years old."[395] Children below this age are not commanded to pray for they will not comprehend its importance.

"At the age of ten, he is struck if he doesn't pray": Corporal punishment is served to instil discipline and to stress the importance of obligatory prayers. A child of seven is instructed to pray and he is struck for not doing so at ten. Many parents do not take this advice from the Prophet. Their children are left to their own fancy. We see parents fuming if their children skip school without their knowledge. However, they do not bat an eyelid if their children fail to perform their prayers. It is of little significance to them.

"If he or she attains puberty during the prayer or afterwards while the prayer time has yet to lapse, he or she must repeat the prayer": If one of the two signs of puberty appear whilst the child is performing his prayer, then he must repeat it. Similarly if it appears after the prayer but the prayer time has yet to lapse, he must repeat the prayer. This is because the prayer is not obligatory for a child before puberty. Since he or she attains it, the prayer becomes obligatory. Since there is a shift in intention, the prayer is repeated with the intention that it is obligatory upon him.

متن وَيَحْرُمُ تأخيرُها عن وقتها، إلا لناوي الجمع، ولمشتغلٍ بشرطها الذي يحصِّله قريباً

Delaying a prayer until after its specific time is prohibited except when combining prayers or when pre-occupied with completing one of its conditions and he is close to completing it.

"Delaying a prayer until after its specific time is prohibited except when combining prayers": One should not do so without an excuse that is valid accord-

395 Reported by Ahmad (2/180 and 187), Abu Dawūd (495 and 496), al-Hākim (1/197) and al-Bayhaqī in his *Sunan* (2/229) from the hadīth of 'Abdullah ibn 'Amr.

ing to Islamic law. The example of a valid excuse would be the combining of prayers whilst one is on a journey or at times when he is very sick. He delays the one prayer until the next one is due. For example the *zuhr* prayer is delayed until the *'asr* prayer and prayed together one after the other in succession or he delays *maghrib* until the *'ishā* prayer. This delay in prayer is permitted if an individual falls under the above categories.

"Or when pre-occupied with completing one of its conditions and he is close to completing it": For example one is busy trying to fulfil a condition of the prayer such as finding or procuring water so as to make ablution with it. The Hanbalī *madhab* propounds that one should persist in the quest for water if he is sure that it can be obtained. This is a valid reason to delay the prayer.[396]

Another view is that one should make *tayyamum* and perform his prayer if he does not have water. This view is preferred as Allah ﷻ says in the Qur'ān: **{So fear Allah as much as you are able.}**[397] He should not delay the prayer beyond its specific time as its time is ordained by Allah. The timing is also a pre-requisite for prayers. Allah says: **{Indeed, prayer has been decreed upon the believers a decree of specified times.}**[398]

متن **ومن جحد وجوبها كفر، وكذا تاركها تهاوناً ودعاه إمامٌ أو نائبه فأصرَّ وضاق وقتُ الثانية عنها**

Whoever denies its obligation has disbelieved. A similar ruling applies for the one who misses prayers on purpose. The ruler or his assistant must order him to pray and insist he do so until the time for the next prayer draws to a close. He is not executed until the passing of a three-day grace period by which time he must repent. This applies to both situations.

"Whoever denies its obligation has disbelieved": I.e. those among the Muslims who deny the obligation of the five daily prayers. He belies Allah by taking such a stance for it is the Almighty who ordained it as obligatory. He has lied against the Prophet and the consensus of the Muslims[399] by denying the

396 See *al-Insāf* (1/398-399).

397 Al-Taghabūn: 16

398 Al- Nisā: 103

399 See *al-Mughnī* (3/301).

obligation of prayer and becomes an apostate as a result. No Muslim can plead ignorance to the obligation of the five daily prayers.

"A similar ruling applies for the one who misses prayers on purpose": Those who recognise the obligation of the prayer yet do not pray without a valid reason due to their negligence have disbelieved as well. The evidence against them is similar to the one who refutes the obligation of prayers.

"Or his assistant": For example a judge or the governor who will insist that he prays.

"Until the time for the next prayer draws to a close": This is to negate a potential claim that he combined his prayers. If he does combine both prayers, it is explained to him that it can be done so only in certain circumstances and with valid excuses.

"He is not executed until the passing of a three-day grace period by which time he must repent": He is asked to repent for missing prayers as Islamic law offers respite to the apostate by means of repentance before he is executed. The one who misses his prayer is an apostate and is asked to repent over a three-day period. He is ordered to repent each day by those in authority. If he does not repent by the end of this grace period, he is executed.

"This applies to both situations": I.e. he who denies or refutes the obligation of the five daily prayers and he who misses the prayer out of negligence.

باب الأذان والإقامة
CHAPTER: ADHĀN AND IQĀMAH

Adhān is the call to prayer. Linguistically, it is termed as the announcement. Allah ﷻ says: **{And [it is] an announcement from Allah and His Messenger to the people on the day of the greater pilgrimage that Allah is disassociated from the disbelievers.}**[400] In this ayah, Allah announced during the Hajj that He and His messenger were free from association with the idolaters. So the definition in the case of *adhān* is: the announcement that the prayer is due.

Iqāmah is the announcement that the prayer itself is about to begin. Both the *adhān* and *iqāmah* are from the great emblems of Islam. If the people of a country prohibit the *adhān* and *iqāmah* from being called, it becomes mandatory for the Muslims to wage war against them. The Prophet ﷺ used to listen to sounds emanating from a town before waging war against it. If he heard the *adhān* from the town, he would desist.[401]

متن هما فرضا كفاية على الرجال المقيمين للصلوات المكتوبة

Both are *fard kifāyah* (communal obligation) upon resident men for the obligatory prayers.

"Both are *fard kifāyah*": I.e. if some men carry out this obligation, the rest are spared of the obligation but the acts remain Sunnah for them. However, if no one carries out the obligation, it is a sin upon the community as a whole. In

400 Al-Tawbah: 3

401 Reported by Muslim (2/3-4), Ahmad (3/132), al-Tirmidhī (1618), Abu Dawūd (2634) from the narration of Anas ibn Mālik.

terms of *fard kifayah*, the emphasis is on carrying out the obligation, not on any individual. *Fard al-'ayn* on the other hand places emphasis on the obligation being carried out at the individual level as well.

"Upon resident men": Not on women, who are permanently spared of this obligation. In fact, they are prohibited from making the *adhān* or *iqāmah*. The obligation is upon residents. Not on the traveller. It is Sunnah for the traveller to make the *adhān* and *iqāmah*. However, the correct opinion is that it is an obligation upon the resident and the traveller alike.[402] The Prophet ﷺ said: "When the prayer is due, let one of you make the *adhān* and let the eldest amongst you lead the prayer."[403]

"For the obligatory prayers": *Adhān* is mandatory (*wajib*) for the five daily prayers. *Nafl* (optional) prayers like *tarawih*, the prayer asking for rain and the two *'Eid* prayers do not require the *adhān*. If it is done during these prayers it becomes an innovation. As for the eclipse prayer, an announcement: *"assalatu jāmi'ah"* (congregational prayer) is made in accordance to the practice of the Prophet ﷺ.[404]

متن

يُقَاتَل أهلُ بلدٍ تركوهُما، وتحرُم أجرتُهما، لا رزق من بيت المال لعدم متطوع

War is waged upon the people of the city if they prohibit these both. Receiving remuneration for calling to prayer is prohibited but receiving money allocated from the *baitul māl* (state coffer) is not. This is if none comes forward to do it for free.

"War is waged upon the people of the city if they leave these both": I.e. the *adhān* and *iqāmah* for they are *fard kifayah*. If the people of the town persist in banning it, the ruler must wage war against them. This is because they reject a famous symbol and outward ritual of Islam.

402 See *al-Insāf* (1/407).

403 Reported by al-Bukhārī (1/162), (8/11) and Muslim (2/134) from the narration of Mālik ibn al-Huwayrith.

404 Reported by al-Bukhārī (2/50) and Muslim (3/29) from the hadīth of 'Aishah who said, "There was a lunar eclipse during the time of the Prophet who sent a caller to call out; '*Al-salāt al-jāmi'ah*.' The people gathered and the Prophet led a prayer of two *rak'āt* (units) with four bows and prostrations."

"Receiving remuneration for calling to prayer is prohibited": This is because the *adhān* is an act of worship. Acts of worship should not be undertaken for worldly gain.

"But receiving money allocated from the *baitul māl* (state coffer) is not": The ruler sets aside some amount of money for the caller of *adhān* so that a person will be duty-bound to call it on time for every prayer without fail. This money is also allocated to them as they have needs for themselves and their children. Hence it is acceptable to offer them this amount. It should not be termed as a salary but an allocation from the *baitul māl*.

"This is if none comes forward to do it for free": That is, if one volunteers to do it regularly without expecting anything in return, he is given priority for calling to prayers.

متن

ويكون المؤذن صَيِّتاً أميناً عالماً بالوقت

The *muadhin* (caller to prayer) should possess a loud voice, be trustworthy and time-conscious.

These are the traits of a *muadhin*:

Firstly: He possesses a loud voice. This is so that people can hear him making the *adhān*. One who is unable to raise his voice is not fit for the job.

Secondly: Trustworthiness with regards to prayer timings. He should only make the *adhān* when the prayer times are due so as not to confuse the people with regards to their fasting and other acts of worship. He should not call it earlier. Also he should not delay the *adhān* beyond the earliest time so as not to bring difficulty to the situation of those who want to end their *sahūr* (pre-dawn meal) and begin fasting. He should also be trustworthy with regards to people's privacy. Since the call is made from a raised platform if not a minaret tower, he should not peer into people's houses.

Thirdly: He must be time-conscious by keeping up to date with the timings for the individual prayers and timely in calling the *adhān* as soon as it is due without delay.

متن فإن تَشَاحَّ فيه اثنان قُدِّم أفضلُهما فيه، ثم أفضلُهما في دينه وعقله، ثم من يختاره الجيران، ثم قُرْعةٌ

If two men are appropriate for the job, the one better in making the *adhān* is given priority. Thereafter, the better of the two in the *dīn* and intellect. Finally it is decided by those living around the *masjid* and then lots are drawn.

"If two men are appropriate for the job": I.e. if several men have the traits of a *muadhin*, then he who volunteers to do it not expecting anything in return should be given priority. We discussed this earlier on.

"The one better in making the *adhān* is given priority": If a volunteer is not available, then the one more skilled in calling the *adhān* is given priority.

"Thereafter, the better of the two in the *dīn* and intellect": Since this person will be the most trustworthy from them as the Prophet ﷺ said, "Let the best of you make the *adhān*."[405]

"Finally it is decided by those living around the *masjid*": For they will be able to judge whose voice is louder and clearer and which is more audible to them whilst they are within their houses.

"And then lots are drawn": If two men are equal in respect to all of these traits and qualities, then the *muadhin* is chosen by drawing lots. The man picked gets to have priority over the other.[406] Drawing lots is allowed in Islam if a matter is indistinguishable. The Prophet ﷺ did it[407] like the Prophets before him.

405 Reported by Abu Dawūd (590), Ibn Mājah (726), al-Bayhaqī in *al-Kubrā* (1/426) from the narration of 'Abdullah ibn 'Abbās.

406 Reported by al-Bayhaqī (1/428-429) as narrated by Ibn Shubrumah who said, "There was a stiff competition amongst the men to be the *muadhin* in Qādisiyah. They deferred to S'ad who drew lots to choose the *muadhin*." The chain of narration of this hadīth is broken. 'Abdullah ibn al-Imām Ahmad said in *Masā'alah* (200), "I asked my father regarding the *masjid* with two men claiming to be worthy of calling the *adhān*. He replied, 'If both of them have all the traits of a *muadhin*, then lots are drawn to decide. S'ad did it. If one of them is more worthy, then it is only fair that the other not vie for the job.' I asked my father, 'What if one of them is older and has been coming to the *masjid* longer while he gives charity to the *masjid* and helps preserve it?' He replied, "Then that person is more worthy to call the *adhān*.'"

407 Reported by al-Bukhārī (3/208, 238) and (4/40) and Muslim (8/113) from the narration of 'Aishah who said, "If the Prophet ﷺ wanted to make a journey, he would draw lots to decide which wife would accompany him on it."

متن وهو خمسَ عشرةَ جملةً، يرتِّلُها على علو متطهراً مستقبلَ القبلة، جاعلاً إصبعيه في أذنيه، غير مستدير، ملتفتاً في الحَيْعَلَة يميناً وشمالاً، قائلاً بعدهما في أذان الصبح: الصلاة خير من النوم، مرتين

It is fifteen sentences recited from a raised platform. It is recited while in a state of cleanliness and facing the Qiblah. A finger is placed within each ear. [The *mu'adhin remains*] rooted to one spot without movements except the moving of the head to the right and left whilst saying '*hay'alah*'. '*Assalātu khairun min an-nawm*' is added for the call to *fajr* prayer. It is said twice.

"It is fifteen sentences": That is, (i) the *takbīr* (saying, "*Allahu akbar*") four times, (ii) saying the testification, "*Ashhadu an lā ilāha illa'llah*" (I bear witness that there is no deity besides Allah) twice, (iii) the [second] testification, "*ashhadu anna muhammadan rasulullah*" (and I bear witness that Muhammad is the messenger of Allah) twice, (iv) saying "*haya 'ala as-salāh*" (hasten to the prayer) twice, (v) "*haya 'ala al-falah*" twice, (vi) followed by the *takbīr* again which is said twice (vii) and finally *tahlīl* (saying, "*lā ilāha illa Allah*") once. This is the *adhān* which is well-known and established by the Prophet ﷺ. This has been called from his time until the present day.

The addition "*haya 'ala khair al-'amal*" (hurry to the best of deeds) was not established by the Prophet ﷺ. It is in fact an innovation by the Shi'ah sect who also add, "*ashhadu anna 'aliyyan waliuallah*" (I bear witness that 'Alī is the friend of Allah).

"Recited": In a flowing manner with deliberately lengthened phrases. The Prophet ﷺ said to Bilāl, "If you call the *adhān*, make it long and flowing."[408]

"From a raised platform": It could be the roof-top or the minaret tower of the *masjid*, so that it is easily audible to the people. Bilāl used to go on the roof-top of a house near the Prophet's *masjid* and call the *adhān*. It used to be the tallest building near the *masjid*.[409] In the present time, this objective is achieved by using microphones and loudspeakers.

---

408 Reported by al-Tirmidhī (195), al-Hākim (1/204), al-Bayhaqī (1/428) from the narration of Jābir ibn 'Abdullah.

409 Reported by Abu Dawūd (519) and al-Bayhaqī in *al-Sunan al-Kubrā* (1/425) from a narration by a women from Banī al-Najjar.

"In a state of cleanliness": It is recommended that the caller of *adhān* has performed his *wudhū* and is free of both major and minor impurities.

"Facing the Qiblah": Since the *adhān* is an act of worship, it should be done facing the Qiblah (the direction towards the Ka'bah in Makkah).

"A finger is placed within each ear": The index finger is placed in each ear as the Prophet ﷺ instructed Bilāl to do so saying, "It aids to raise the voice."[410]

"Rooted to one spot without movements": From the beginning of the *adhān* to the end.

"Except the moving of the head to the right and left": This is the Sunnah[411] as perfomed by Bilāl.

"'*Assalātu khairun min an-nawm*' is added for the call to *fajr* prayer. It is said twice": The Prophet ﷺ instructed Abū Mahdhūrah to add this to the *adhān* of the *fajr* prayer. [412] The wisdom behind this is that people tend to be sleeping during the early hours of the morning. It is added as a wake-up call to those sleeping. It is not added to other than the call to *fajr* prayer.

متن

وهي إحدى عشرة – يَحْدُرُها. ويقيم مَنْ أَذَّن في مكانه إن سَهُل

***Iqāmah* is eleven sentences said quickly. The *muadhin* also says the *iqāmah* and in the same place, if convenient.**

"*Iqāmah* is eleven sentences said quickly": Unlike the *adhān*, it is said quickly. This is because the *iqāmah* is meant for those already present in the *masjid*. Hence there is no need to lengthen it. The Prophet ﷺ said, "If you call the *adhān*, make it long and flowing and if you call the *iqāmah*, make it quick."[413]

410 Reported by Ibn Mājah (710) from the narration of S'ad ibn 'Ā'idh. See also *Fath al-Bārī* by Ibn Rajab (3/552).

411 Reported by al-Bukhārī (1/163), Muslim (2/56) from the narration of Abu Juhayfah who saw Bilāl moving his mouth side to side whilst calling the *adhān*.

412 Reported by Ahmad (3/458) and Abu Dawūd (501).

413 Reported by al-Tirmidhī (195), al-Hākim (1/204), al-Bayhaqī (1/428) from the narration of Jabir ibn 'Abdullah.

The practice of some *muadhins* nowadays contradicts the above prophetic command. They elongate the *iqāmah* such that it is very much like the *adhān*.

"The *muadhin* also says the *iqāmah*": It is a Sunnah that the one who calls the *adhān* should also call the *iqāmah*. The Prophet ﷺ said, "Whoever call the *adhān* should also call the *iqāmah*."[414] However, it is permissible for another person to call for *iqāmah*.

"In the same place, if convenient": I.e. from the same place the *adhān* was called so that the people are made known of the *iqāmah* as well. However, if the *muadhin* may miss the *takbīratul ihrām* (first *takbīr* in prayer) [due to the distance between the minaret tower and the prayer hall for example,] then he should make the *iqāmah* from inside the *masjid*.

متن ولا يصِحّ إلا مرتّباً متوالياً من عدل ولو ملحّناً أو ملحوناً

***Adhān* must be done in sequence and in succession between each sentence, called by a just man even if he pronounces words melodiously or is dyslexic.**

The conditions that validate *adhān* are:

Firstly: It is in sequence. If the sequence is ignored, the *adhān* becomes impermissible.

Secondly: It is in succession i.e. the sentences should follow one after the other in short order. There should not be long gaps in between each sentence. However, the *muadhin* can leave a short gap in between phrases to cough or sneeze, take a sip of water or speak a word or two to someone who needs an immediate reply or instruction. For example, the *muadhin* telling someone to "close the door" or "bring it like this" in a short gap whilst making the *adhān*. This is allowed if the speech is of a permissible nature. If he curses or swears whilst calling the *adhān*, it becomes invalid even if it is short. Similarly verbose speech whilst calling the *adhān* renders it invalid as it violates the condition of succession.

Thirdly: It is called by a just man i.e. one whose just nature is apparent. The

414 Reported by Ahmad (4/169), Abu Dawūd (514), al-Tirmidhī (199) and Ibn Mājah (717) from the narration of Ziyād ibn al-Hārith al-Sadā'iy.

fasiq (one who commits major sins) should not be allowed to call the *adhān*. This is because the *adhān* is the announcement and news that the prayer is due. News from a *fasiq* is not accepted. Moreover, he cannot be relied on to be timely in calling the *adhān*. It is even permissible for one who has problems pronouncing the words of the *adhān* incorrectly and for a dyslexic. The difference between one who pronounces words in a melodious manner and he who is dyslexic is that the latter makes grammatical errors for example he says, "*Allah**a** akbar*" when in fact it should be "*Allah**u** akbar*."

متن ويجزئ من مُميِّز. ويبطلها فَصْلٌ كثير، ويسير مُحَرَّم، ولا يجزئ قبل الوقت، إلا الفَجْرَ بعد نصف الليل. ويُسَنُّ جلوسُه بعد أذان المغرب يسيراً

It is acceptable for a child who is *mumayiz* to call the *adhān*. A big gap in between *adhān* and *iqāmah* nullifies it as does the performance of *haram* acts, even if there is a short gap. It is not permissible before the prayer time is due except for *fajr* prayer which can be called for after midnight. It is a Sunnah to sit for a while after the *adhān* of *maghrib*.

"It is acceptable for a child who is *mumayiz* to call the *adhān*": This is because the prayers of a child who is *mumayiz* (able to distinguish between good and bad) is accepted, so is his *adhān*.

"A big gap in between *adhān* and *iqāmah* nullifies it": This is because it violates the condition of succession.

"As does the performance of *haram* acts, even if there is a short gap": For example, the gap in between is used to curse or indulge in vulgar speech.

"It is not permissible before the prayer time is due": As the objective of the *adhān* is the announcement that the prayer is due.

"Except for *fajr* prayer": However the *adhān* for *fajr* prayer can be called before the prayer time is due. The Prophet ﷺ said, "Verily Bilāl calls the *adhān* at night. So eat and drink until the son of Umm Makhtūm calls the *adhān*."[415] Since people need to awake from sleep and prepare for the *fajr* prayer, it is

415 Reported by al-Bukhārī (1/160), (3/225) and Muslim (3/128) from the narration of 'Abdullah ibn 'Amr. Also narrated by 'Aishah as reported by al-Bukhārī (1/161) and Muslim (2/3), (3/129)

permissible to call the *adhān* before the time is due.

"After midnight": The *adhān* of *fajr* can be called anytime after midnight i.e. once the time for '*ishā* prayer lapses. Doing so before midnight is not permissible.

"It is a Sunnah to sit for a while after the *adhān* of *maghrib*": What is the time gap between the *adhān* and *iqāmah*? This is based on the needs of the masses. If they congregate early for the prayer, then the gap may be lesser than when they arrive late at the *masjid* for the prayer. The Prophet ﷺ used to begin the '*ishā* prayer if he noticed that his Companions had already gathered for the prayer and would delay its commencement if they were not present in the *masjid*.[416]

Those who congregate for the prayers in the *masjid* are accorded due compassion so that they get to join the prayer from the beginning by delaying the congregation. However, this compassion should not extend to those who are lazy. The Companions were definitely not among those who were lazy. The *maghrib* prayer itself should be performed without delay for the Prophet ﷺ used to hasten the prayer after the *adhān*, leaving only a short gap before the *iqāmah* was called.[417] The rest of the prayers may be delayed according to the needs of the people. Though it must exclude the needs of the lazy ones.

متن

ومن جمع أو قضى فوائتَ أَذَّن للأولى، ثم أقام لكل فريضة

Whoever combines prayers or prays missed prayers in succession should make the *adhān* for the first and *iqāmah* alone would suffice for the rest.

"Whoever combines prayers or prays missed prayers in succession should make the *adhān* for the first and *iqāmah* alone would suffice for the rest": If a person combines two prayers due to a valid excuse e.g. due to travelling. He should make the *adhā*n for the first of the two prayers and make *iqāmah* for both. This was practiced by the Prophet ﷺ in Arafah and Muzdalifah (during the Hajj

416 Reported by al-Bukhārī (1/147), Muslim (2/119) from the narration of Jābir ibn 'Abdullah.

417 Reported by al-Bukhārī (2/74)(9/138), Ahmad (5/55), Abu Dawūd (1281) from the narration of 'Abdullah ibn al-Mughaffal that he heard the Prophet ﷺ say, "Pray before the *maghrib* prayer." Repeating it twice. The third time he said, "Those who wish to do so." So that people will not regard it as Sunnah.

rites). He would ask a companion to make the *adhān* and then say the *iqāmah* for the first prayer. After that prayer was competed, he ﷺ would command the companion to say the *iqāmah* and the second prayer was performed.[418]

Similarly, a person making up the missed prayers should call the *adhān* and *iqāmah* for the initial prayer and make the *iqāmah* alone for the subsequent prayers until he makes up for all the prayers that were missed.

متن **ويُسَنُّ لسامعه متابعتُهسرّاً وحوقلتهُ في الحَيْعَلَةِ، وقولـه بعد فراغه: اللهمَّ ربَّ هذه الدعوةِ التَّامَّةِ والصلاةِ القائمةِ آتِ محمداً الوسيلةَ والفضيلةَ، وابعثه مقاماً محموداً الذي وعدته**

It is a Sunnah for the listener to repeat the phrases of the *adhān* quietly and say the *hawqalah* when *'Haya 'ala al-salah'* and *'Haya 'ala al falah'* are said. Once the *adhān* is completed, the listener should say, "*Allahumma rabba hadhi ad-da'wati at-tāmati wa as-salati al-qaimah. Āti muhammadan al-wasīlata wa al-fadhilah. Wab'athhu maqāman mahmūdan alladhi wa'adtah.*"

"It is a Sunnah for the listener to repeat": It is recommended that the listener repeat what the *muadhin* says after each phrase. The only exception is when he says "*haya 'ala al-sālah*" and "*haya 'ala al-falah*" to which the listener says, "*lā hawla wa lā quwata illa billah*" ("There is no power and strength besides Allah").[419] He does not repeat the phrase of the *muadhin* in this instance.

"Quietly": One should not raise his voice whilst repeating the phrases of the *adhān*.

After the completion of the *adhān, salām* should be sent upon the Prophet ﷺ, "*Allahumma salli wa sallam 'ala muhammadin.*"

418 Reported by Muslim (4/40) from the narration of Jābir ibn 'Abdulllah while describing the Hajj rites of the Prophet ﷺ He said, "Then the *adhān* was called followed by the *iqāmah*. He prayed the *zuhr* prayer. Subsequently, the *iqāmah* was called again and the *'asr* prayer was performed. He did not pray any other prayer between these two obligatory prayers. He arrived at Muzdalifah and prayed *maghrib* and *'ishā* there with one *adhān* and two sayings of the *iqāmah*. He did not pray any other prayer between these two obligatory prayers."

419 Reported by al-Bukhārī (1/159), Ahmad (4/91, 94), al-Nasā'ī (2/25) from the narration of 'Alqamah ibn Waqās.

"Once the *adhān* is completed, the listener should say, '*Allahumma rabba hadhi ad-da'wati at-tāmati wa as-salati al-qaimah. Āti muhammadan al-wasīlata wa al-fadhilah. Wab'athhu maqāman mahmūdan alladhi wa'adtah*': "O Allah, the Lord of this perfect call and established prayer. Grant Muhammad the intercession and favour, and raise him to the honoured station You have promised him."

"O Allah, the Lord of this perfect call": Which is free of any shortcomings.

"And established prayer": That is about to begin.

"Grant Muhammad the intercession": This is the status in Paradise not accorded to anyone else but the Messenger of Allah ﷺ.[420]

"And raise him to the honoured station that You have promised him": As mentioned in the following ayah of the Qur'ān: **{And from [part of] the night, pray with it as additional [worship] for you; it is expected that your Lord will resurrect you to a praised station.}**[421]

420 Reported by Muslim (2/4), Ahmad (2/168), Abu Dawūd (523), al-Tirmidhī (3614) and al-Nasā'ī (2/25) from the narration of 'Abdullah ibn 'Amr ibn 'Ās who said, "I heard the Messenger of Allah ﷺ say, 'If you hear the *adhān*, then repeat what the *muadhin* says and then send blessings upon me for Allah sends ten blessings upon you for doing so. then ask Allah to grant me *al-wasīlah* for it is a status in Paradise which is only accorded to a slave among the slaves of Allah and I hope that I will be the one. Whoever asks *al-wasīlah* for me has secured the intercession.'"

421 Al-Isrā: 79

باب شـروط الصـلاة

CHAPTER: CONDITIONS OF THE PRAYER

متن

شروطها قبلها

They exist before the prayer, until its completion.

A condition technically refers to that which nullifies the prayer if it was absent and which validates the prayer if it was present. Conditions are taken into account before performing prayer until the prayer is completed.

متن

منها الوقت، والطهارة من الحدث والنجس. فوقـتُ الظهر من الـزوال إلى مساواة الشيء فَيْئَهُ بعد فَيْءِ الزَّوال، وتعجيلُها أفضلُ إلا في شدَّةِ حرٍ، ولو صلَّى وحده، أو مع غيمٍ لمن يصلي جماعةً

Among the conditions are: the specified time and purification from impurities and *najasah*. The time for *zuhr* is from just after the zenith of the sun to when the shadow replicates the object in addition to its shadow at the zenith. It is better to pray at its earliest time except during extreme heat. This applies if *zuhr* prayer is prayed by oneself or in a congregation on an overcast day.

"The specified time": One of the conditions of prayer is that it should be performed in its specific time. Allah ﷻ says: **{Indeed, prayer has been decreed upon the believers a decree of specified times.}**[422] The Prophet ﷺ also directed towards this condition by his actions and speech.

422 Al-Nisā: 103

"And purification from impurities and *najasah*": Another condition for prayer is purification from impurities and *najasah* on the body, garments and place of worship.

"The time for *zuhr* is from just after the zenith of the sun to when the shadow replicates the object in addition to its shadow at the zenith": The prayer time begins when the sun shifts westward from its zenith. This is noticed when a shadow appears to the east. Allah says: **{Establish prayer at the decline of the sun [from its meridian]}**[423] As the shadow grows in size, it will reach a stage that it is equivalent to its object; be it a stick, wall or a human. At this time, *zuhr* time has elapsed.

"It is better to pray at its earliest time": Rather than delay it for the best of deeds in the sight of Allah is the prayer done at its earliest time.[424] There is merit in hastening towards good deeds.

"Except during extreme heat. This applies if *zuhr* prayer is prayed by oneself or in a congregation on an overcast day": It is Sunnah to delay the *zuhr* prayer in these situations:

Firstly: During extremely hot weather in the summer. It is recommended that the prayer be delayed until such a time that the heat reduces. The Prophet ﷺ said, "If it is extremely hot, delay the prayer until it cools down for indeed the extreme heat is from the breath of hellfire."[425] Hence the prayer should be delayed until the weather is cooler, having the congregation's convenience in mind.

Secondly: If the sky is overcast and there is a possibility of rain or a sand storm, it is best to delay the *zuhr* prayer. It is permissible to pray *zuhr* at its latest time so that people can attend *zuhr* and stay on to complete the *'asr* prayer at the *masjid* at its earliest time. This arrangement is convenient for the people.

423 Al-Isrā: 78

424 Reported by al-Bukhārī (1/140), (8/2), (9/191) and Muslim (1/62, 63) from the narration of 'Abdullah ibn Mas'ūd who said, "I asked the Prophet, 'What is the best of deeds?' To which he replied, 'The prayer done in its prescribed time.'" As for the wording, "Prayer in its earliest time," it is narrated by Umm Farwah in Ahmad (6/374), Abu Dawūd (426) and al-Tirmidhī (170).

425 Reported by al-Bukhārī (1/142) from the hadīth of 'Abdullah ibn 'Umar and by Muslim (2/108) from the hadīth of Abu Hurairah.

"This applies if *zuhr* prayer is prayed by oneself": The individual praying at home should also avoid the intense heat as should the congregation which gathers at the *masjid*.

"Or in a congregation during an overcast day": This is to make it convenient for the people so that they are not affected by the rain or sand storm. They go outdoors only once to attend the *zuhr* and *'asr* prayers. However, if one offers the prayer by himself at home on an outcast day, he should hasten to do it at the earliest time as he is not affected by the adverse weather.

متن ويليه وقتُ العصر إلى مصير الفيء مِثْلَيْه بعد فيء الزوال. والضَّرورةُ إلى غروبها، ويُسَنُّ تعجيلُها

This is followed by *'asr* time which extends until the shadow is twice the size of the object, in addition to its shadow at the zenith. In difficult times, *'asr* can be prayed until sunset. It is a Sunnah to hasten the prayer.

"This is followed by *'asr* time which extends until the shadow is twice the size of the object, in addition to its shadow at the zenith": *'Asr* prayer begins immediately after the *zuhr* prayer time ends. This is when the shadow is the size of the object. The time for *'asr* extends until the shadow is twice the size of its object. Thereafter, the time for *'asr* prayer lapses.

"In difficult times, *'asr* can be prayed until sunset": Whoever prays *'asr* just before sunset has indeed performed it in its time. However, it is not permissible to do so except in difficult times and one must have a valid excuse to do so.

"It is a Sunnah to hasten the prayer": This is evident from the practice of the Prophet ﷺ. A companion would pray with the Prophet ﷺ the *'asr* prayer and go to a place called al-'Awwali, which was at the boundary of Madīnah, arriving there as the sun was shining bright.[426] This is proof that he ﷺ would pray *'asr* early.

متن ويليه وقتُ المغرب إلى مَغيب الحُمْرة، ويُسَنُّ تعجيلُها إلا ليلةَ جَمْعٍ لمن قصدها مُحرماً

Followed by the *maghrib* prayer which begins from sunset until the red af-

426 Reported by al-Bukhārī (2/144, 149 and 155) and Muslim (2/40, 119 and 120) from the narration of Abu Barzah al-Aslamī.

ter-glow of the setting sun disappears. It is Sunnah to hasten this prayer unless he has the intention of being a *muhrim* on the Night of Jam'.

"Followed by the *maghrib* prayer which begins from sunset until the red after-glow of the setting sun disappears": Immediately after the '*asr* prayer time ends, *maghrib* begins. It begins with sunset and ends when the red after-glow of the sun disappears from the horizon. The horizon is clear and so the after-glow is very apparent. When the after-glow disappears, it becomes clear once again. This moment shall indicate the end of *maghrib* prayer.

"It is Sunnah to hasten this prayer": The Prophet ﷺ used to do so. When the *adhān* for *maghrib* prayer was called, the Companions would advance to their places of prayer. The Prophet would then arrive to lead the prayer.[427]

"Unless he has the intention of being a *muhrim*": I.e. if he is in a state of *ihram* at Muzdalifah, a day also known as Jam'a (congregation). This is because people will gather there on the 9th of Dhul Hijah. It is called Muzdalifah because people advance to it from Arafah. This place is also called Mash'ar al-Haram. The *muhrim* in Hajj delays his *maghrib* prayer and prays it at the time of '*ishā*, thereby combining them. This is done when he reaches Muzdalifah. This was the practice of the Prophet ﷺ. The *muhrim* should not pray on the way to Muzdalifah unless he fears that the time for '*ishā* prayer may lapse before reaching there. In this scenario, he can stop and pray them along the way. The delay in *maghrib* prayer is only a concession for those in the state of *ihram* and not others, even though they might be in Muzdalifah during that time. These people have to hasten the *maghrib* prayer in its time and are not allowed to combine the prayers.

متن ويليهِ وقتُ العشاء إلى الفجر الثاني، وهو البياض المُعْتَرِض، وتأخيرُها إلى ثلث الليل أفضلُ إن سَهُلَ

Then follows the '*ishā* prayer and its time is until the second *fajr* which is recognised by a broad whiteness in the sky. It is better to delay the '*ishā* prayer but not after one third of the night (i.e. delaying it but remaining in the first third of the night), if this is easy.

427 Reported by al-Bukhārī (1/34) and Muslim (2/212) from the narration of Anas ibn Mālik.

"The then follows the '*ishā* prayer": '*Ishā* begins immediately after the time for *maghrib* ends, which is when the red after-glow of the sun disappears from the horizon. It ends at the second *fajr*. The preferred time for '*ishā* prayer is up to the first third of the night, after which it is still permissible to pray it if one is hard-pressed for time.

"The second *fajr* which is recognised by a broad whiteness in the sky": *Fajr* is of two types:

Firstly: The false dawn. This is when the whiteness is elongated rather than broad. Furthermore, the darkness of night re-envelops the sky after this fake dawn.

Secondly: The second *fajr* which is recognised by a broad whiteness that permeates the horizon. The darkness of night will gradually fade, giving way to the full dawn. The second *fajr* is that which should be taken into account when fasting or praying, not the first *fajr* (i.e. the false dawn).

"It is better to delay the '*ishā* prayer but not after one third of the night": Delaying the prayer in this manner is better than praying it at its earliest time. The Prophet ﷺ used to delay the '*ishā* prayer some nights announcing that this was in fact the best time for it. He ﷺ said, "Were it not too imposing for my nation, I would have ordered that it be delayed."[428] We can study the ideal character a leader should possess from this example. He should know the needs and concerns of his people and adjust activities accordingly, thereby easing their burden. Gentleness is something required from the *imām* towards his congregation. The Prophet used to hasten the '*ishā* prayer if people gathered quickly at the *masjid* and delayed it if they took their time to gather.

متن

ويليه وقتُ الفجر إلى طلوع الشمس وتعجيلها أفضل

Followed by the *fajr* prayer which lasts until sunrise. To hasten it is better.

"Followed by the *fajr* prayer which lasts until sunrise": '*Ishā* prayer is followed by the *fajr* prayer. It begins from the second *fajr* which emanates a broad whiteness in the horizon and ends with sunrise. Whoever prays within these time limits has indeed performed *fajr* prayer at its specified time. Anyone do-

428 Reported by Muslim (2/115-116) from the narration of 'Aishah.

ing so after sunrise only does it as replacement for having missed it.

"To hasten it is better": To hasten the *fajr* prayer is better as the Prophet used to perform it in the dark of the night.[429] He ﷺ used to leave after praying *fajr* while a person could recognise those next to him.[430] This is indicative that he used to prolong the *fajr* prayer and that the Prophet ﷺ and his Companions used to pray in the dark where they could not recognise one another, and then the prayer was prolonged such that when he ﷺ completed it, they could recognise those sitting next them.

This is evidence to show that he ﷺ used to hasten in performing the *fajr* prayer and that he prolonged it.

متن **وتُدْرَكُ الصَّلاةُ بتكبيرة الإحرام في وقتها، ولا يصلي قبل غلبةِ ظنّه بدخول وقتها إما باجتهاد، أو خبر مُتيقّن، فإن أحــرم بـاجتهاد فبان قبله فنفلٌ وإلا ففرضٌ**

Prayer is realised when one makes *takbīratul ihram* (opening *takbīr*) in the specified time of a specific prayer. He should not pray until he is convinced that the time of prayer has begun. He can do this by either making an informed judgement or if he is advised by a trustworthy person who is certain that time has commenced. If he made the *takbīratul ihram* after being convinced that prayer is due and realises that he had preceded the time, he should consider it an optional prayer and proceed to pray the obligatory prayer once more. If he is not aware of his error then the prayer is valid.

"Prayer is realised when one makes *takbīratul ihram* (opening *takbīr*) in the specified time of a specific prayer": This is according to the Hanbalī *madhab*.[431] He who manages to say the *takbīratul ihram* even at the last hour of the specified time has in fact realised the prayer in its time. The correct opinion however is that one should at least complete one *rak'āh* (unit) of prayer before the time elapses.[432]

429 Reported by al-Bukhārī (1/147) and Muslim (2/119) from the narration of Jābir ibn Abdullah.

430 Reported by al-Bukhārī (1/144,155) and Muslim (2/119,120) from the narration of Abu Barzah al-Aslamī.

431 See *al-Insāf* (1/441).

432 The *madhab* of Imām Mālik and one of two views from Imām Ahmad. It was a preferred view of Shaykh al-Islam ibn Taymiyyah. See *Majmū' al-Fatāwa* (23/330-331).

"He should not pray until he is convinced that the time of prayer has begun": This is because conviction (*ghalabat al-zan*) replaces certainty (*yaqīn*) in this instance. Conviction is achieved by:

Firstly: Making an informed judgement. If one places effort in investigating the time for prayer and bases his conviction upon his findings, then he should proceed to pray.

Secondly: If advised by a trustworthy person who is certain that the prayer time has begun. If any of these two traits is missing from the informer, it renders his advice null and void.

"If he made the *takbīratul ihram* after being convinced that prayer is due and realises that he had preceded the time, he should consider it an optional prayer and proceed to pray the obligatory prayer once more. If he is not aware of his error then the prayer is valid": If he is convinced that the prayer time has begun and prayed and had erred but is oblivious to it, then his prayer is valid. However, if he becomes aware of the fact that he has prayed before the time for prayer is due, he should consider that which he prayed as an optional prayer and proceed to pray the obligatory prayer once more.

متن

وإن أدرك مكلَّفٌ من وقتها قدرَ الـتَّحْريمةِ، ثم زال تكليفُه أو حاضتْ ثم كُلِّف وطَهُرتْ قَضَوْها، ومن صار أهلاً لوجوبها قبل خروج وقتها لزمَتْه وما يجمَع إليها قَبْلَها

And if the *mukallaf* (on whom prayer is obligatory) is able to make *takbīratul ihram* as the prayer time arrived but the obligation is removed or the female begins to menstruate, then he becomes obliged to do so again or her menses stops, they must make up the prayer. Whosoever is obliged to pray before the prayer time lapses, must do so by combining it with the earlier prayer.

"And if the *mukallaf* (on whom prayer is obligatory) is able to make *takbīratul ihram* as the prayer time arrived but the obligation is removed or the female begins to menstruate, then he becomes obliged to do so again or her menses stops, they must make up the prayer": If one is set to perform a prayer at its earliest time but the obligation to pray is hindered by the loss of consciousness, loss of the mental faculties or the onset of menses. Thereafter, this hindrance is removed. Now the individual has to make up the prayer that he had earlier intended to pray. It has to be made up because he was able to pray when the

time for prayer arrived but was hindered by a valid reason. Those prayers that arrived while they were not obliged to pray need not be taken into account.

However, some scholars including Shaykh Taqiuddīn are of the view that the prayer need not be made up for prayer times have a span which can be delayed within its limits.[433] Therefore, when one is hindered from prayer within that time span, he is technically in the state of non-obligation.

"Whosoever is obliged to pray before the prayer time lapses, must do so by combining it with the earlier prayer": This is in direct contrast to the earlier view. For example, one is able to say at least the *takbīratul ihram* before the *'asr* time lapses while the sun is about to set. This is after all hindrances to the obligation of prayer are removed. Now, the individual must pray two prayers by combining them i.e. in this case he combines *zuhr* with *'asr*. This is because the individual had a valid excuse to miss *zuhr* during its time which validates the concession of combining prayers. Similarly, if one had a valid excuse to miss *maghrib* prayer and is fit to pray before sunrise, he should then pray *maghrib* and *'ishā* by combining them. This is in line with the rulings of a group of Companions of the Prophet ﷺ.[434] There has not been any dispute to this view from others. In fact, most scholars are of this view because two prayer times become one during situations where there is a valid excuse.

متن ويجب فوراً قضاءُ الفوائت مرتَّباً، ويَسْقطُ الترتيبُ بنسيانه، وبخشية خروج وقت اختيار الحاضرة، وَوَقْتُ الاخْتِيَار : يَكُونُ فِي صَلاتَيْنِ فَقَطْ : صَلاَةُ الْعَصْرِ وَ صَلاَةُ الْعِشَاء

Making up prayers should be done instantly and in sequence. Sequence can be pardoned when one forgets or if he fears that '*asr* or '*ishā* prayer times might lapse when about to combine prayers.

"Making up prayers should be done instantly and in sequence": If one has prayers that need to be made up, he should hasten to do so as soon as he is

433 See *al-Ikhtiyārāt al-Fiqhiyyah* (p. 34).

434 Including 'Abdul Rahmān ibn Awf and 'Abdullah ibn 'Abbās. Regarding the issue of women gaining purity after her menses, they said: "If a menstruating woman attains purity before sunset, she must pray *zuhr* and *'asr* by combining it. If she attains purity before *fajr* begins, she should pray *maghrib* and *'ishā* combined." The narration of 'Abdul Rahman was collected by 'Abdul Razzāq in his *Musannaf* (1285) and al-Bayhaqī in *al-Sunan al-Kubrā* (1/387). The narration of Ibn 'Abbās was collected by al-Dārimī (1/219) and al-Bayhaqī (1/387).

able. It must not be delayed. Sequence of the prayers should be maintained at all times. If he has many days' worth of prayers to make up, he should focus on a day at a time, praying *fajr*, *zuhr*, *'asr*, *maghrib* and then *'ishā* in sequence. He can then proceed to day two of the prayers pending upon him, following the aforementioned sequence. Prayer is an obligation and delaying it more than necessary is a sin.

A prevalent practice among the people is to make up a prayer with the prayer of its like. For example, praying *fajr* and then making up the missed *fajr* afterwards or *zuhr* with another *zuhr* following it. This is incorrect and is not allowed.

"Sequence can be pardoned when one forgets or if he fears that *'asr* or *'ishā* prayer times might lapse when about to combine prayers": These two scenarios permit one to ignore sequence of prayers:

Firstly: When one forgets. For example, he had to make up an earlier prayer but forgot about it and prayed the current prayer. He only realises his mistake after having prayed the current prayer. Sequence can be ignored in this case. He then proceeds to pray the earlier prayer immediately. Allah says: **{"Our Lord, do not impose blame upon us if we have forgotten or erred."}**[435] The Prophet ﷺ said, "Verily Allah has pardoned for my nation error, forgetfulness and that which is forced upon him."[436]

Secondly: When one fears that the time for the current prayer might lapse were he to pray the missed prayer before it. In this case, he ignores sequence of prayers by praying the current prayer followed by the earlier prayer that he needed to make up.

متن

ومنها سَتْرُ العورة، فيجبِ بما لا يَصِفُ بَشَرَتَها. وعورةُ رجلٍ وأمةٍ وأمِّ ولدٍ ومُعْتَقٍ بعضُها من السُّرة إلى الرُّكْبة، وكلُّ الحرة عورةٌ إلا وجْهَهَا

From among the conditions of prayer is the covering of the *awrah*. The covering or clothes should not reveal the characteristics of the skin. The *awrah* of men, slave, nursing mother and the partially-freed slave is from the navel

435 Al-Baqarah: 286

436 Reported by Ibn Mājah (2045), Ibn Hibbān (7219), al-Dāraqutnī (4/170-171), al-Bayhaqī (7/356), al-Hākim (2/198) from the narration of 'Abdullah ibn 'Abbās.

to the knee. As for the free woman, the whole body is *awrah* except the face.

To pray whilst uncovered is not allowed whilst one is able to cover the *awrah*. Ibn Abdul Barr said, "The consensus of the scholars is that the prayer becomes nullified if one prays it whilst uncovered if he has the ability to cover himself up."[437] Allah ﷻ says: **{O children of Adam, take your adornment at every masjid}**[438] The word "*zīnah*" in this ayah refers to the covering of the *awrah*, and "*al-masjid*" refers to the prayer. Hence, Allah commands us to cover our *awrah* whilst praying. The minimum of "*zīnah*" is to cover the *awrah* while covering the full body with a garment is that which is recommended and good. If one does pray without covering the *awrah* without a valid reason, then his prayer is nullified. The clothes should be thick and not so thin that the skin is seen through the garment.

The *awrah* of men is from the navel to the knee.

"As for the free woman, the whole body is *awrah* except the face": She has different *awrahs* in two different circumstances: her *awrah* whilst in prayer and her *awrah* of *nazar* (bashfulness). In prayer, her whole body is *awrah* except the face. This is if there are no non-*mahram* men around. A *mahram* is any male she cannot lawfully marry like her father, brother and uncle. As for the *awrah* of bashfulness, it is the whole body including the face and the palms of the hand. This is also her *awrah* in the prayer if non-*mahram* men are present.

متن وتُستحَبُّ صلاتُه في ثوبين، ويُجزئُ سَتْرُ عورتهِ في النَّفْل، ومــع أَحَدِ عاتقيه في الفــرض، وصلاتُها في دِرْعٍ وخِمَارٍ وملحفةٍ، ويجزئ سَتْرُ عورتها

It is recommended that one wears a two-piece garment for the prayer. It is sufficient that a man covers at least the *awrah* for the optional prayers and one of his shoulders for the obligatory prayers. It is recommended for the woman to pray wearing her inner garment, head scarf and an outer garment though her prayer is accepted if she just covers her *awrah*.

"It is recommended that one wears a two-piece garment for the prayer": In the prayer, there is a minimum dress code and there is a recommended one. If

437 See *al-Ijmā'* (p. 41).

438 Al-A'rāf: 31

a man covers between his navel and his knees in prayer, it is accepted. This is the least he should wear. It is recommended though that he pray wearing two pieces of clothing. The shawl (*ridā*) and lower wrap (*izār*) or the *qamīs* (shirt) and trousers. This is for men only.

"It is sufficient that a man covers at least the *awrah* for the optional prayers and one of his shoulders for the obligatory prayers": A man has to cover at least one shoulder along with the minimum *awrah* whilst performing his obligatory prayers. This is what the Prophet ﷺ commanded us to do. He said, "Let not one of you pray in a one-piece garment without it extending to cover one of his shoulders."[439]

Imām Ahmad was of the view that the prayer must be done covering the minimum *awrah* which is between the navel and the knee and at least one shoulder. If not, the prayer is nullified.[440] However, the majority of scholars say that it is sufficient to cover between the navel and the knee for the prayer of a male to be accepted.[441]

"It is recommended for the woman to pray wearing her inner garment, head scarf and a outer garment though her prayer is accepted if she just covers her *awrah*": The prayer is accepted from a woman if she prays wearing a single garment that covers her whole body. However, they are recommended to wear three garments during the prayer. They are the inner garment (*dira'*), head scarf (*khimār*) and the outer garment (*milhafah*). This is the best dress code for the woman to perform her prayer.

متن

ومن انكشفٍ بعضُ عورته وفَحُشَ، أو صلَّى في ثوب مُحَرَّم عليه أو نَجسٍ أعاد، لا مَنْ حُبِسَ في مَحَلٍّ نجس

Whoever exposes a part of his *awrah* in mischief or prays with clothes that are not lawful or are stained with *najāsah*, must repeat the prayer except a person held captive in a filthy place.

"Whoever exposes a part of his *awrah* in mischief": I.e. he exposes his *awrah*

439 Reported by al-Bukhārī (1/100) and Muslim (2/61) from the narration of Abu Hurairah.

440 See *al-Insāf* (1/456).

441 See *al-Mughnī* (2/289).

for an extended period of time whilst being able to cover it and chose not to. His prayer is invalid due to the condition of covering the *awrah* not being met. However, if a little part of the *awrah* is exposed whilst he is oblivious to it, then his prayer is valid. This is also the case of one exposing a large part of the *awrah* but he does not let it stay revealed for an extended period of time.

"Or prays with clothes that are not lawful": For example stolen clothes or if a man prays wearing a silk garment, his prayer becomes invalid. He must repeat his prayer in a different set of clothes.

"Or are stained with *najāsah*": Whilst he has the ability to clean it or has the means to pray in clean clothes, then his prayer is invalid and has to be repeated. This is because wearing clean clothes during prayer is a condition for its acceptance.

"Except a person held captive in a filthy place": If a person prays in an unclean place whilst he is capable of praying in a clean place, his prayer is invalid as a condition of the prayer is the cleanliness of the spot prayed upon. However if a person is not able to move to a clean place, then he should continue to pray in that filthy place and not leave off praying. His prayer is accepted and he need not repeat it as he is acting to the best of his ability. Allah ﷻ says: **{So fear Allah as much as you are able.}**[442] However, if he has the ability to move to a clean place, then his prayer in a filthy place is invalid.

متن ومَنْ وَجَدَ كفايةَ عورته سَتَرَها وإلاّ فالفَرْجَيْنِ، فإنْ لم يكفهما فالدُّبُر، وإن أُعِيْرَ سُتْرةً لزمه قبولُها، ويصلِّي العـاري قاعـداً بالإيماء استحبـاباً فيهما، ويكون إمـامُهم وسطَهم

One should cover the minimum *awrah* when able to do so. If not, then at least the genitals and the rear end. If he can cover only one of the two, he should cover the rear end. If a covering is offered he should accept it. The naked should pray sitting down and gesture in prayer to hide his private parts. If praying as a congregation, the *imām* should be in the centre of the row.

"One should cover the minimum *awrah* when able to do so. If not, then at least the genitals and the rear end. If he can cover only one of the two, he should

442 Al-Taghabūn: 16

cover the rear end": If he can find clothes to cover his *awrah* between the navel and the knee, he must do so. He covers both the private parts if unable to cover the minimum *awrah*. If he is unable to even do this, then he should cover just his rear end. Allah says: **{So fear Allah as much as you are able.}**[443]

"If a covering is offered he should accept it": He will not ask for a covering as it is an act of humility. However, if someone offers to lend him the covering without him having asked, he should accept it.

"The naked should pray sitting down": That is if he does not find any covering to cover himself with. Prayer is not excused even in such a state, as the condition to cover the *awrah* in prayer is pardoned. He prays in the nude but should pray sitting down. This is because his *awrah* is more exposed whilst standing.

"And gesture in prayer": He should not prostrate to the ground as this exposes more of his *awrah*. He has to just gesture in the prayer whilst sitting by tilting his head towards the ground to signify bowing and prostration. Standing is excused for him in this condition though it is one of the pillars of prayer. This is from the mercy of Allah ﷻ. It also highlights the importance of prayer and that it is inexcusable even in adverse situations.

"If praying as a congregation, the *imām* should be in the centre of the row": This is addressing the occurrence of a naked group of people performing the prayer in congregation. This emphasises the importance of praying in congregation. So the *imām* takes to the centre of the row and does not go in front of the rest so that they do not look at the *imām's awrah* whilst praying.

متن

ويصلي كلُّ نوع وحده، فإن شَقَّ صلَّى الـرجالُ واستدبرَهم النساءُ، ثم عَكَسوا، فإن وجد سترة قريبة في أثناء الصلاة ستر وبنى، وإلا ابتدأ

Each gender prays separately (referring to the previous point of the circumstance of having to pray whilst uncovered). If not able to do so, then the woman should pray whilst the men face their backs to them and then vice versa. If a covering is spotted nearby whilst one is praying, he should reach out and use it and continue his prayer. If it is out of reach, then he should leave the prayer to get hold of it and perform the prayer once more from the beginning.

443 Al-Taghabūn: 17

"Each gender prays separately. If not able to do so, then the woman should pray whilst the men face their backs to them and then vice versa": The men should face their backs to the woman while they are praying and the woman do the same when the men pray. This is so that one does not look at the other whilst either of them pray.

"If a covering is spotted nearby whilst one is praying, he should reach out and use it and continue his prayer": If one commences the prayer uncovered and then he notices something close to him that he can cover himself with, he takes it, covers himself and then finishes his prayer.

"If it is out of reach, then he should leave the prayer to get hold of it and perform the prayer once more from the beginning": If it is not possible to reach the covering without walking and diverting from the direction of the *qiblah*, he leaves the prayer to cover himself and then starts the prayer from the beginning.

متن ويُكرَه في الصلاة السَّدْلُ، واشتمالُ الصَّمَّاء، وتغطيةُ وجهه، واللِّثام على فمه وأنفه، وكَفُّ كُمِّه ولَفُّه، وشَدُّ وسطه كَزُنَّار

To leave the garment over the shoulders without securing it is disliked during prayer as is tying it under the shoulder which exposes it. Covering the whole face or the nose and mouth, rolling up and adjusting one's sleeves and tying a string around the waist like a friar's knot are also disliked.

The author explains the actions that are disliked whilst one is praying.

First: To leave the garment over the shoulders without securing it is disliked. This is because it is prone to fall off and expose the body while in prayer. However, if one end is wrapped around the opposite side, then it is fine.

Second: One wraps the lower torso and flings the end of one side of the garment over one shoulder while leaving the other uncovered. This way of tying is called "*idtiba*", which is often done during Hajj and 'Umrah whilst making *tawaf*. This too is prone to exposing the *awrah*. It is more secure if he can cover both shoulders while praying.

Third: To cover the face is disliked during prayer as this is the practice of the

Jews whilst they worship. A Muslim should not do this unless he has good reason to do so.

Fourth: The Prophet ﷺ forbade us to partially cover our faces, that is, the nose and mouth during prayer.[444] This was the practice of the fire-worshippers whilst they stood praying near the fire. We are forbidden to imitate them.

Fifth: One should not pre-occupy himself with adjusting and straightening his garment whilst in the prayer. This will inevitably cause distraction and hamper one's concentration in the prayer. The Prophet ﷺ said, "Do not adjust your hair or clothes."[445]

Sixth: The tying of a string around the waist like the friar's knot which was worn by the Christian clergy as a symbol of their faith. However, it is allowed for one to tie something not similar to it around the waist. This applies to men. As for women, they should not tie a string around their waist as wearing-tight fitting clothes is forbidden for them.

متن

وتحرمُ الخُيَلاءُ في ثوب وغيره

Vanity in dressing and other actions is forbidden.

What follows is an explanation of matters related to clothing that are forbidden inside the prayer and outside of it.

"Vanity in dressing": Vanity in one's clothing during the prayer and outside of it brings forth arrogance and pride. As in the hadīth, "Whoever drags his clothes in vanity, Allah will not look at him."[446] To be humble in dressing is expected of a Muslim as well as in his manner of walking and all other aspects.

"And other actions": I.e. vanity in other actions apart from dressing like in

444 Reported by Abu Dawūd (643), Ibn Mājah (966) and Ibn Hibbān (2353) and Ibn Khuzaymah (772) from the narration of Abu Hurairah who said, "The Prophet ﷺ forbade that one drape his clothes over himself without securing it during the prayer and forbade the covering of the mouth."

445 Reported by al-Bukhārī (1/206), Muslim (2/52) from the narration of 'Abdullah ibn 'Abbās.

446 Reported by al-Bukhārī (7/5).(7/182) and Muslim (6/147) from the narration of 'Abdullah ibn 'Amr.

one's haughty stride. Allah says: **{And do not walk upon the earth exultantly. Indeed, you will never tear the earth [apart], and you will never reach the mountains in height.}**[447]And Luqmān ﷺ tells his son: **{And do not turn your cheek [in contempt] toward people and do not walk through the earth exultantly. Indeed, Allah does not like anyone self-deluded and boastful.}**[448]And in another ayah: **{Indeed, Allah does not like those who are self-deluding and boastful.}**[449]

متن

والتصويرُ واستعمالُه

And picture drawing and its use.

"And picture drawing": Referring to pictures of living things that have a soul. This is absolutely forbidden as there is a semblance of creation which is the sole prerogative of Allah. This act leads to *shirk*.

"And its use": It is forbidden to use garments that contain pictures of living things that have souls during the prayer or at other times. This is the case because if it is allowed, it might lead to lewd and vile pictures being portrayed on the garments. Curtains with these pictures should not be used for the Prophet ﷺ grew angry when he saw it in his house and did not enter until it was ripped off and discarded.[450]

Use of such garments and cloth that contain pictures of living things that have souls is forbidden indefinitely. It is also forbidden to frame up and hang pictures for this indicates a reverence of sorts to the picture. Hence to wear a garment containing such whilst praying is worse. If it happens to be a picture of a crucifix, then the sin is even more as this would imply imitating the Christians.

This ruling remains the same regardless of the form, be it a carving, drawing or collage, pictures are forbidden in every form. The Prophet ﷺ cursed the picture-maker[451] and made no exceptions saying, "The worst punishment met-

447 Al-Isrā': 37

448 Luqmān:18

449 Al-Nisā: 36

450 Reported by al-Bukhārī (3/83) (7/33, 217), Muslim (6/158), Ahmad (6/246) and al-Nasā'ī (2/67, 68) (8/213) from the narration of 'Aishah.

451 Reported by al-Bukhārī (3/78) (7/79) and Ahmad (4/308, 309) from the narration of Abu

ed out on the Day of Judgement will be to the one who tried recreating the creation of Allah."[452] In a hadīth *qudsi* it is said, "Verily Allah says, 'Who is a worse tyrant than he who creates like what I create, then let him create a seed or barley grain.'"[453]

Picture making in all of its forms and mediums is *haram*. Those who argue regarding the permissibility of pictures that are transferred by light have derived an exception without evidence and proof. The Prophet in fact made a blanket prohibition on all types of pictures, saying, "All picture-makers shall end up in the Fire."[454]

This is similar to the following hadīth, "All innovation is wayward."[455] Some people say, "There is good innovation and not all innovations are wayward." Their claim contradicts what the Prophet ﷺ has commanded. Similar to those who hold the view that some types of pictures are permissible whereas the Prophet has said that all picture makers are in the Hellfire. Having mentioned this, one can resort to photo-taking if there is a pressing need to do so. Allah says: **{Excepting that to which you are compelled.}**[456] If one will be deprived of something which is crucial for his well-being if his photo is not taken, then this amounts to being compelled. In the case of displaying the photo on the identity card or passport, for example, this is indeed inevitable and a necessity.

متن

ويحرم استعمالُ منسوج، أو مُموَّه بذهب قبل استحالته، وثياب حرير، وما هو أكثرُه ظهوراً على الذكور، لا إذا استويا أو لضرورة أو حِكَّة أو مرض أو جَرَب أو حشو، أو كان عَلَماً أربع أصابعَ فما دونَ، أو رِقَاع، أو لَبَّة جَيْبٍ وسَجْف فِرَاء. ويكره المُعَصْفَرُ والمُزَعْفَرُ للرجال

Clothes that are stitched with gold or dipped in gold are forbidden for use by men before it is completely transformed. Similarly, garments made pre-

---

Juhayfah.

452 Reported by al-Bukhārī (7/215), Muslim (6/161) from the narration of 'Abdullah ibn 'Umar.

453 Reported by al-Bukhārī (7/215), Muslim (6/162) from the narration of Abu Hurairah.

454 Reported by Muslim (6/161-162), Ahmad (1/308) from the narration of 'Abdullah ibn 'Abbās.

455 Reported by Ahmad (4/126), Abu Dawūd (4607), al-Tirmidhī (2672), Ibn Mājah (42) from the narration of al-'Irbād ibn Sāriyah.

456 An'ām: 119

dominantly of silk are also forbidden for men except if the silk in the garment does not appear to be the predominant material. Silk is also permissible for men to use in times of dire need, when afflicted with scabies or other illness, during combat, as embroidery, four-finger width of stitching or less, as patching or as a border. Yellow garments and clothes dyed with saffron are disliked for men.

"Clothes that are stitched with gold or dipped in gold": Such clothes are *haram* for men as are silk garments and garments blended with silk where it can be seen with the eyes to be of that material. Gold is *haram* for men; not just in clothing but also in jewellery such as gold rings etc. The Prophet ﷺ said regarding gold and silk, "These are permissible for the females of my nation and forbidden for the males."[457]

"Before it is completely transformed": When the garment is free of gold, it is permissible for use.

"Similarly, garments made predominantly of silk are also forbidden for men except if the silk in the garment does not appear to be the predominant material": Only garments that are of pure silk or predominantly silk are *haram*. If it contains a negligible amount of silk that is unnoticeable or the silk is noticeable but it appears equal to the other material, it is permissible for use by men. The ruling is based upon what is predominant.

Silk is permissible in the following situations:

First: In times of dire need, where he is compelled or has no other option but to wear it.

Second: If afflicted with scabies he is permitted to wear silk garments as silk is well known to help ease the itching caused by scabies. Its soft and smooth texture serves as therapeutic relief. Any other material will only exacerbate the scabies.

Third: Any other illness. If a doctor specifically prescribes the wearing of silk as a remedy for the ailment, it becomes permissible.

457 Reported by Ahmad (4/394), al-Tirmidhī (1720), al-Nasā'ī (8/161) from the narration of Abu Mūsā al-Ash'arī.

Fourth: When used during combat to prevent laceration caused by slinging the weapon. Displaying vanity during battle is recommended as it will frighten the enemy.

Fifth: When silk is sewn into a garment as embroidery, it is not considered as a garment made of silk.

Sixth: Garments that contain stripes with an accumulative length of the width of four fingers or less of silk stitching is permitted. For example as hem lining on sleeves and pockets.

"As patching": Garments with silk patching work are permissible for use by Muslim men.

"Or as a border": On condition that its accumulative length is less or equivalent to the width of four fingers. This is based on the hadīth, "Except stripes on the garment."[458]

"Yellow garments": That are dyed a bright yellow with *usfur* (a well-known plant) are disliked.

"And clothes dyed with saffron are disliked for men": I.e. that are dyed using saffron. This is due to the prohibition by the Prophet ﷺ of the use of saffron by men.[459]

متن

ومنها اجتناب النجاسات، فمن حَمَلَ نجاسةً لا يُعفى عنها، أو لاقاها بثوبه أو بدنه لم تصح صلاتُه، وإنْ طَيَّنَ أرضاً نجسةً أو فَرَشَها طاهراً، كُرِهَ وَصَحتْ

Among the conditions are: staying free of *najāsah*. He who physically carries a *najāsah*, comes in contact with it or has stains of it upon his body and clothes cannot be pardoned of it so his prayer is invalid. If he puts a layer of clean earth upon ground that is stained with *najāsah* or places a mat there to pray upon, then that prayer is disliked though valid.

---

458 Reported by al-Bukhārī (7/216), Muslim (6/157), (8/212-213), Abu Dawūd (4155) from the narration of Abu Talha.

459 Reported by al-Bukhārī (7/197), Muslim (6/155), Ahmad (3/187), al-Tirmidhī (2815) from the narration of Anas ibn Mālik.

"Among the conditions are: staying free of *najāsah*": This is from the conditions for prayer being accepted. The body, clothes and the place where one prays should be free of *najāsah*. The evidence that clothes should be clean is derived from the action of the Prophet ﷺ. He removed his footwear while in prayer when he realised that it was stained with *najāsah*.[460] Similarly when a female companion asked him ﷺ what should be done when menstrual blood stains the clothes, he ordered her to wash the garment.[461]

The evidence that the area where one performs his prayer should be clean is derived from the incident where a Bedouin urinated upon a section of the floor of the *masjid*, the Prophet ﷺ ordered that water be poured over the urine.

The evidence that the body should be free of *najāsah* whilst praying is derived from the command of the Prophet ﷺ that one should perform *istinja'* with water or *istijmār* with stones to remove urine and excretion.

"He who physically carries a *najāsah*": I.e. whilst praying. His prayer becomes null as a result. The only exception would be traces of *najāsah* upon the body that are excusable in the *dīn* such as the remnants of *najāsah* after *istijmār* that are around the area cleansed.

"Comes in contact with it or has stains of it upon his body and clothes cannot be pardoned of it so his prayer is invalid": I.e. if he comes into contact with it using his hands or feet, placed his head upon it while prostrating or sat on it, then his prayer becomes invalid.

"If he puts a layer of clean earth upon ground that is stained with *najāsah* or places a mat there to pray upon, then that prayer is disliked though valid": The prayer is disliked because he chose an unclean place to perform his prayer. However, the prayer is still valid as there was no direct contact with the *najāsah*.

متن وإن كانت بطـرفِ مُصَلًّى مُتَّصل بـه، صحَّتْ إن لم يَنْجَرَّ بمَشْيـه، ومن رأى عليه

460 Reported by Ahmad (3/20) and Abu Dawūd (650) from the narration of Abu Sa'īd al-Khudrī.

461 Reported by al-Bukhārī (1/66) and Muslim (1/166) from the narration of Asmā bint Abī Bakr.

نجاسةً بعد صلاته وجَهِلَ كَـونَها فيها لـم يُعِدْ، وإن علم أنها كانت فيها لكنْ نسيها أو جَهِلها أعاد

If *najāsah* is on one side of the carpeting in the prayer area but is not near where one prays, then his prayer is valid. This is provided that he did not step upon the stained area and spread it as he walked. Whoever notices the *najāsah* only after finishing his prayer, then he need not repeat it. However, if he knew about the *najāsah* but he forgot or was ignorant about it, then he must repeat his prayer.

"If *najāsah* is on one side of the carpeting in the prayer area but is not near where one prays, then his prayer is valid": This is because he did not come directly into contact with the *najāsah*.

"This is provided that he did not step upon the stained area and spread it as he walked": In this case, his prayer becomes invalid as he has come into contact with the *najāsah*.

"Whoever notices the *najāsah* only after finishing his prayer, then he need not repeat it": This is because the *asl* is that the prayer is valid. Since he prayed oblivious to the fact that there was *najāsah* upon him, the prayer remains valid and it is assumed that he was stained by it only after the prayer.

"However, if he knew about the *najāsah* but he forgot or was ignorant about it, then he must repeat his prayer": Due to the confirmed fact that his clothes were stained with *najāsah* whilst he prayed. Hence, he must repeat the prayer.[462]

The correct view though is that one need not repeat the prayer.[463] This view is substantiated by the ayah: **{"Our Lord, do not impose blame upon us if we have forgotten or erred."}**[464] And the hadīth, "Verily Allah has pardoned for my nation the unknowing mistake, error done in forgetfulness and that which is forced upon a person."[465] He has to wash it off for the next prayer. As for that

462 This is the view of the *madhhab* of Imām Ahmad. See *al-Insāf* (1/486).

463 As mentioned in *al-Insāf*, "This view is considered correct by most of the scholars of the later periods including Ibn Qudāmah, al-Majd, Ibn 'Abdūs in his *Tadhkirah* and Shaykh Taqī al-Dīn."

464 Al-Baqarah: 286

465 Reported by Ibn Mājah (2045), Ibn Hibbān (7219), al-Dāraqutnī (4/170-171), al-Bayhaqī

which he already performed, it is valid.

متن ومن جبر عظمه بنجس لم يجب قلعُهُ مع الضرر، وما سَقَطَ منه من عضو أو سِنٍّ فطاهر

If any of his bones are firmly attached to a *najāsah*, then it is not a must that he remove it if it is detrimental to his well-being. Whatever falls off from the parts of his own body, it is *tāhir*.

"If any of his bones are firmly attached to a *najāsah*, then it is not a must that he remove it if it is detrimental to his well-being": Sometimes a bone from an animal carcass for example is firmly attached to his bone or even a pig's bone is implanted as is commonly practiced now during bone grafting and organ transplantation. In this scenario, if one is able to remove it, then it becomes mandatory on him to do so and replace it with something that is *tāhir*. However, if he is unable to do so due to the perils involved, he can leave it attached to his body and pray whilst in this state. Allah says: **{He has chosen you and has not placed upon you in the religion any difficulty}**[466]

"Whatever falls off from the parts of his own body, it is *tāhir*": Parts of his body like his hands, feet, teeth or hair. These are all *tāhir* as human parts are always pure whether derived from a living person or a dead one. The Prophet ﷺ said, "The believer is never impure."[467]

متن ولا تصح الصلاة في مَقْبَرةٍ، وحُشٍّ وحمّام، وأعطانِ إبلٍ، ومغصوبٍ، وأسطحتِها، وتصح إليها، ولا تصح الفريضة في الكعبة ولا فوقَها، وتصح النافلةُ والمنذورةُ باستقبال شاخص منها

Prayer performed at the graveyard is not valid as is prayer performed in the toilet, bathroom, camel pens, land that was acquired illegally and the roofs or terraces of these places. Facing these places is permissible. Obligatory prayer performed inside the Ka'bah or on its roof is not valid. Optional prayers performed within the Ka'bah are valid, facing one of its supports.

It is forbidden to pray in the following places:

(7/356) and al-Hākim (2/198) from the narration of 'Abdullah ibn 'Abbās.

466 Al-Hajj: 78

467 Reported by al-Bukhārī (1/79-80), Muslim (1/194) from the narration of Abu Hurairah.

First: The graveyard. Praying here may give rise to *shirk* or associating partners with Allah. The Prophet ﷺ said, "Do not take the graves as *masjids*."[468] This means they should not be prayed in as it can be said that where one prays is considered a *masjid*; be it a built structure or otherwise. The Prophet ﷺ said, "The world has been made a place of worship for me and it is purified."[469] Prayer performed in the graveyard is invalid even if it only contains one grave.

Second: The toilet. This is the dwelling place of the *shaytān*. Furthermore, a toilet is never free of *najāsah*. Prayers performed in it are invalid. In fact any remembrance of Allah or recital of the Qur'ān within its confines is not allowed.

Third: The bathroom. Where one takes his bath and where he relaxes. It is disliked to pray in it as it is an area where one exposes his private parts.

Fourth: The shed of the camels. The Prophet ﷺ forbade us to pray within the shed where camels are kept.[470]

Fifth: Stolen land. It is prohibited to pray therein as it is tantamount to using someone's property without their permission.

Sixth: The roofs of the above-mentioned places. The rule applies to the places as well as the roof of the buildings or if a building was built on stolen land. However, prayer is valid if it is prayed facing these buildings as long as it is performed outside the boundaries of the prohibited place.

Seventh: "Obligatory prayer performed inside the Ka'bah or on its roof is not valid": Obligatory prayers are prohibited within the Ka'bah and its roof as Allah says: **{So turn your face toward al-Masjid al-Haram.}**[471] Whosoever prays within the Ka'bah or upon its roof has not faced the Ka'bah as ordained by Allah in the above ayah. As for the optional (*nafl*) prayers, it is recommended to pray it within the Ka'bah as the Prophet ﷺ prayed inside the Kā'bah during

468 Reported by Muslim (2/67) from the narration of Jundub ibn 'Abdullah al-Bajalī.

469 Reported by al-Bukhārī (1/91), (4/104) and Muslim (2/63) from the narration of Jābir ibn 'Abdullah.

470 Reported by Ahmad (4/288), Abu Dawūd (184), al-Tirmidhī (81) from the hadīth of Barā' ibn 'Āzib.

471 Al-Baqarah: 144

the year of the conquest of Makkah.[472]

متن ومنها استقبالُ القِبْلة، فلا تصحُّ بدونه، إلا لعاجز ومُتَنفل راكبٍ سائرٍ في سفر، ويَلْزمه افتتاحُ الصلاة إليها، وماش، ويَلْزمه الافتتاحُ والركوعُ والسجودُ إليها، وفَرْضُ مَنْ قَرُبَ من القبلة إصابةُ عينها، ومَنْ بعُد جهتُها

And among the conditions are: facing the *qiblah*. A prayer is invalid if one does not do so unless he is unable to or if he is a traveller praying an optional prayer whilst riding an animal. He should face the *qiblah* when he commences the performance of his prayer and the traveller on foot should do likewise in addition to facing the *qiblah* whilst bowing and prostrating. Those in close proximity to the Ka'bah should face it properly whilst those far away should face towards its direction.

"And among the conditions are: facing the *qiblah*": This is one of the criterion for the validity of the prayer. Allah says: **{So turn your face toward al-Masjid al-Haram. And wherever you [believers] are, turn your faces toward it [in prayer].}**[473] Hence, facing the *qiblah* is mandatory if one is able and has the strength to do so.

"A prayer is invalid if one does not do so": When one is unable to face the *qiblah* like a prisoner who does not know its direction, then he prays in his chosen direction. Allah says: **{So fear Allah as much as you are able.}**[474] And the ayah: **{And to Allah belongs the east and the west. So wherever you [might] turn, there is the Face of Allah.}**[475]

"Unless he is unable to": If a person is imprisoned or is pinned to a stake, he should pray to his level best and not leave off praying. Prayer is an obligation on man at all times; adverse conditions not withstanding. However, the criteria for the prayer can be compromised if one is truly unable to fulfil it.

"If he is a traveller praying an optional prayer whilst riding an animal": The

472 As related in the hadīth reported by al-Bukhārī (1/109, 110 and 126), Muslim (4/95) and Ahmad (2/33, 55) from the narration of Ibn 'Umar.

473 Al-Baqarah: 144

474 Al-Taghābun: 16

475 Al-Baqarah: 115

criteria for the optional prayer are more lenient than for the obligatory prayer. It is permissible for a traveller to pray the *nafl* prayers facing other than the direction of the Ka'bah whilst riding an animal or travelling on foot. If he rides an animal, then he prays facing the direction of travel for the Prophet ﷺ used to pray during the night on animal-back towards whatever direction it faced.[476] This leniency allows people to gain rewards easily.

"He should face the *qiblah* when he commences the performance of his prayer": The correct opinion is that he does not have to face the *qiblah*[477] and can pray wherever the animal is headed regardless of which prayer he is performing. With reference to this exception, the one travelling on foot can likewise pray facing the direction that he takes in his journey.

"And the traveller on foot should do likewise in addition to facing the *qiblah* whilst bowing and prostrating": Doing these actions facing the *qiblah* should not be a hassle for the traveller on foot. However, the correct view is that this is not necessary.[478]

"Those in close proximity to the Ka'bah should face it properly whilst those far away should face towards its direction": It is a criteria for those who can see the Ka'bah to face it exactly, that is in the centre of Masjid al-Haram. As for those who are outside the *masjid* and cannot see the Ka'bah, it is sufficient for them to face in its direction for the Prophet ﷺ said, "Whatever that is between the east and west is *qiblah*."[479] This was the privilege given to the people of Madinah and those of their ilk.

Similarly, those living in far flung countries need only face the direction of the Ka'bah. This is from the mercy of Allah. Allah says: **{So turn your face toward al-Masjid al-Haram.}**[480] Which refers to the direction of the Ka'bah.

476 Reported by al-Bukhārī (2/32, 55, 57) and Muslim (2/148, 150) from the narration of 'Abdullah ibn 'Umar.

477 See *al-Mughni'* (2/98).

478 See *al-Mughni'* (2/99).

479 Reported by al-Tirmidhī (342 and 343) and Ibn Mājah (1011) from the narration of Abu Hurairah.

480 Al-Baqarah: 144

متن فإن أخبره ثقةٌ بيقين أو وجد محاريبَ إسلاميةً عمل بها، ويستدل عليها في السفر بالقطب والشمس والقمر ومنازلها، وإن اجتهد مجتهدان فاختلفا جهةً لم يتبع أحدُهما الآخر، ويتبع المقلِّدُ أوثَقَهما عنده

If a trusted person informs the direction of the *qiblah* with conviction or if he sees a *mihrab*, he should then pray in that direction. During a journey, the North Star, sun, moon and the rest of the stars are used to locate the direction of the *qiblah*. If two men of knowledge differ in their assumption of the *qiblah* direction, the follower may choose to follow the more trustworthy of the two to him."

The direction of the *qiblah* is known by:

Two things if he is in his land:

The first guide will be the trusted person who has no doubt regarding its direction. This guidance can be viewed as authentic so long as it is not a guess by the guide but ascertained through pure conviction. The second guide is viewing the *mihrab* in the *masjids* which are positive indicators of the *qiblah*. The Muslims have depended upon this symbol and pray facing it without qualms. The presence of the *mihrab* is not an innovation as some people mention. It has been a defining feature of the *masjids* even during the earliest generation of Muslims. It has always been an indicator of the *qiblah* throughout the ages. Hence, it is of great importance and an advantage. It is not an innovation. However, building elaborate *mihrabs* adorned with engravings is not allowed. Simple ones which help indicate the *qiblah* are permitted. Its usefulness warrants its existence.

Three things if he is on a journey:

Firstly, the North Star is an indicator of the *qiblah*. This is also known as Polaris which has a fixed axis and around which other stars revolve. So, it is used as an indicator. Secondly, the sun and the moon are used as indicators of the *qiblah* for they traverse the sky from east to west. Lastly, the rest of the stars in general. Allah says: **{And it is He who placed for you the stars that you may be guided by them through the darknesses of the land and sea.}**[481] These too are good indicators to determine the direction of the Ka'bah for they always

481 Al-An'ām: 97

revolve from east to west.

"If two men of knowledge differ in their assumption of the *qiblah* direction, the follower may choose to follow the more trustworthy of the two to him": This is an additional indicator of the *qiblah* direction. If both men make similar calculated estimations (*ijtihād*) as to the direction of the *qiblah*, then they should pray facing it as their agreement is a fair measure of accuracy. However, if they differ in their opinions, one should not gravitate to the other's view. Rather, they should pray in the differing directions according to their respective views. The followers who are unable to make calculated estimations should follow the view of the man they deem more trustworthy.

متن ومن صلَّى بغير اجتهاد ولا تقليد قَضَى إن وجد من يقلِّده، ويجتهد العارفُ بأدلة القبلة لكل صلاة، ويصلي بالثاني، ولا يقضي ما صلَّى بالأول

Whosoever prays without making a calculated estimation (*ijtihād*) or without following one who did so, he should re-do his prayer if he comes across one who has made a calculated estimation of the *qiblah* direction. The knowledgeable person makes *ijtihād* with the indicators available to him at each prayer. He does not re-do his earlier prayer if the present prayer faces another direction.

"Whosoever prays without making a calculated estimation (*ijtihād*) or without following one who did so, he should re-do his prayer if he comes across one who has made a calculated estimation of the *qiblah* direction": This is due to the fact that his assumptions may be wrong. The importance of basing the direction of the *qiblah* on an *ijtihād* supersedes the earlier prayer performed by way of assumption. His assumed direction of the *qiblah* has two scenarios: (i) If his assumption is not proven wrong. Then his prayer is valid for Allah says: **{So fear Allah as much as you are able.}**[482] And **{And to Allah belongs the east and the west. So wherever you [might] turn, there is the Face of Allah.}**[483] (ii) If his assumption is proven wrong, he has to re-do his prayer. This is because he had neither the ability to make *ijtihād* nor had he followed one who did make *ijtihād*. So the earlier prayer becomes invalid.

482 Al-Taghābun: 16

483 Al-Baqarah: 115

"The knowledgeable person makes *ijtihād* with the indicators available to him at each prayer": He should not base the direction of all of his prayers on the *ijtihād* he made for the initial prayer. This is because a new indicator might present itself at the time of the following prayers.

"He does not re-do his earlier prayer if the present prayer faces another direction": If he made an *ijtihād* to face a certain direction for *zuhr* prayer for example and makes a different *ijtihād* during the *'asr* prayer, both his prayers are valid. This is because an *ijtihād* does not supersede another.

متن ومنها النية، فيجب أن ينوي عين صلاةٍ معينةٍ

Among the conditions is intention. It is mandatory that one intends to pray a specific prayer.

"Among the conditions": I.e. the conditions that validate a prayer. Intention or *niyyah* in Arabic linguistically refers to one's objective or purpose. In Islamic terms, it is the objective of doing a deed that draws one closer to Allah.[484] This definition is derived from the hadīth, "Verily all deeds are by intention and for each person is what he intended."[485]

This hadīth reveals that acts of worship are invalid without an intention. If one performs the movements that make up a prayer like standing, bowing and prostrating but does not have an intention to perform a specific prayer, then his act is futile.

"It is mandatory that one intends to pray a specific prayer": For example *zuhr*, *'asr*, *maghrib* or *'ishā*. He must make a specific intention that details the prayer he intends to pray. A general intention for prayer is unacceptable. This is because there are so many different types of prayers. It is the intention that defines which prayer is being performed. He should not articulate the intention e.g. by saying, "*Nawaytu an usalli, katha wa katha* (such and such)," as the intention is in the heart. Saying it aloud is an innovation as the Prophet ﷺ never did this. He ﷺ rather said, "He who does a deed not sanctioned by us will have

484 See *al-Mutla'* (p. 69).

485 Reported by al-Bukhārī (1/2, 21), (3/190) and Muslim (6/48) from the narration of 'Umar ibn al-Khattāb.

that deed rejected."[486]

متن

ولا يشترط في الفرض والأداء والقضاء والنفل والإعادة نيتهن، وينوي مع التحريمة، وله تقديمها عليها بزمن يسير في الوقت

It is not a condition that one specifies in his intention if a prayer is obligatory, optional, that which is within the prayer time, that which has lapsed or if it is a repetition. Intention should be in tandem with the *takbīratul ihram*. It is acceptable if the intention is made slightly before this provided that it is within the prayer time.

"It is not a condition that one specifies in his intention if a prayer is obligatory": It is sufficient for him to have an intention to pray *zuhr* for example. This applies to the other types of prayers too.

"That which is within the prayer time": As mentioned, one does not have to specify in his intention that the prayer is being performed within the time frame. The place of intention is the heart.

"That which has lapsed": This is prayer performed beyond the specific time for that prayer. One need not specify this as it is well-known to the one performing that he has missed its time.

"The optional prayer": *Nafl* is an additional prayer and not mandatory. One praying *duha* prayer or the two units of prayer done before *fajr* prayer need not make an intention that the prayer he is about to perform is a *nafl*. It is understood.

"Or if it is a repetition": A prayer is sometimes repeated because the prayer is found wanting or a mistake was made. However, one need not include this fact into his intention when he performs the prayer again.

"Intention should be in tandem with the *takbīratul ihram*. It is acceptable if the intention is made slightly before this provided that it is within the prayer time": This is an explanation of the time to make the intention. The intention should not be made after the *takbīratul ihram* or the opening *takbīr*. If done

486 Reported by al-Bukhārī (3/241) and Muslim (5/132) from the narration of 'Aishah.

so, the prayer cannot be accepted. The intention has to be in tandem with the *takbīratul iḥram* or just slightly before it as long as he does not retract that intention. Intention for the prayer should only be made upon arrival of that prayer time.

متن فإن قطعها في أثناء الصلاة أو تردَّد بَطَلَتْ. وإذا شَكَّ فيها استأنف

Retracting or being unsure of one's intention while in prayer will render the prayer invalid. If he is doubtful of his intention, then he should repeat the prayer from the beginning.

"Retracting or being unsure of one's intention while in prayer will render the prayer invalid": An intention made for prayer should last until the end of that prayer. This is a criterion for the validity of a prayer. Similarly, being unsure of one's intention will nullify the prayer for it signifies a lack of will to perform it.

"If he is doubtful of his intention": Or if one is doubtful regarding the prayer itself, he must re-do the prayer for it is tantamount to not having an intention. Some scholars are of the opinion that doubt does not tarnish one's initial intention and thus does not invalidate the prayer. Shaykh al-Islam[487] said, "One should not leave off his prayer due to a doubt in his intention as the fact is that he could not have begun his prayer without one."

متن وإن قَلَبَ منفردٌ فَرْضَه نَفْلاً في وقته المتسع جاز، وإن انتقل بنية من فرض إلى فرض بطلا

A person praying individually may alter his intention while praying an obligatory prayer to an optional prayer with the condition that there is ample time until the prayer time ends. However if he swaps an intention for an obligatory prayer for another obligatory prayer, the prayer becomes invalid.

"A person praying individually may alter his intention while praying an obligatory prayer to an optional prayer with the condition that there is ample time until the prayer time ends": If one has an intention to pray an obligatory prayer at the point of the opening *takbīr* and has a change of heart and intends by it a *nafl* prayer, it is still valid. This is provided that there is sufficient time left for

487 See *al-Ikhtiyārāt al-Fiqhiyyah* (p. 74).

him to pray the actual obligatory prayer. However, doing so vice-versa is not permitted. He cannot begin praying an optional prayer and change his intention to pray an obligatory prayer. This is because the obligatory prayer carries more weight than the optional prayer, and it is not permitted to transfer the intention of something lower to something higher.

In a scenario where the time for prayer is about to end, then it is not permissible for him to change his intention and so he must perform his obligatory prayer.

"If he swaps an intention for an obligatory prayer for another obligatory prayer, the prayer becomes invalid": This denotes a retraction of his initial intention and furthermore, he has not performed a complete prayer with the second intention. Both prayers thus become invalid.

متن **وتجب نية الإمامة والائتمام، وإن نوى المنفردُ الائتمامَ لم يصحَّ فرضاً كنيَّة إمامتِه فرضاً**

It is mandatory to make an intention specifying whether he is performing the prayer as an *imām* (leader) or the *ma'mūm* (follower) while praying with another person or more. If he makes *niyyah* to pray as a follower while praying alone, then his prayer is not accepted. Likewise if he is taken as the *imām* of an obligatory prayer.

"It is mandatory to make an intention specifying whether he is performing the prayer as an *imām* (leader) or the *ma'mūm* (follower)": The *imām* should make a *niyyah* that he is praying as an *imām* for those standing behind him. The followers should have a *niyyah* that they are followers. Only then shall the conditions of a congregational prayer be fulfilled.

"If he makes *niyyah* to pray as a follower while praying alone": For example, a person began praying an obligatory prayer alone and some people came along and started praying as a congregation nearby. He decides to shift himself while praying to join them in their congregational prayer. This is not acceptable as he did not have the intention to pray as a follower when he made his *niyyah* when he began praying.

"Likewise if he is taken as the *imām* of an obligatory prayer": If one was praying an obligatory prayer alone and another person joins him in his prayer

thereby making him the *imām*, this too is not acceptable as his initial intention was that he was praying individually. This scenario is acceptable if the prayer was an optional prayer and not an obligatory one. The Prophet ﷺ once stood for the Sunnah prayer at night and was joined by Ibn 'Abbās, who was very young then. However, the young Ibn 'Abbās stood to the left of the Prophet. The Prophet ﷺ reached out and moved him to his right.[488]

This is evidence to prove that a change in intention whilst praying a *nafl* prayer is permissible. As for obligatory prayer, there is no evidence to permit a swap in intentions.

The correct opinion however, is that what is permitted in *nafl* (optional prayer) is also permissible for *fard* (obligatory prayer) unless something comes to us to prove otherwise. So the Prophet ﷺ doing this action in the *nafl* prayer is proof that it can be done during the obligatory prayer. This is because rules are general for both these two types of prayer unless otherwise stated.

متن وإن انفرد مؤتمٌ بلا عذر بَطَلَتْ

And if one following the *imām* in prayer decides to change his intention to that of one praying individually, and he has no excuse, then his prayer is nullified.

"And if one following the *imām* in prayer decides to change his intention to that of one praying individually, and he has no excuse, then his prayer is nullified": I.e. he makes an intention that he shall pray by himself and not follow

488 Reported by al-Bukhārī (1/57) and (2/30) and Muslim (2/179) from the narration of 'Abdullah ibn 'Abbās where he reported that he once slept at the house of his maternal aunt Maymūnah. He said: "I slept on the width of the cushion and the Messenger of Allah ﷺ slept on the length of the cushion and he slept until the middle of the night, or a little before or after that. He ﷺ then awoke, began wiping off the signs of sleep from his face and then recited the last ten ayāt of Sūrah Āli 'Imrān. He then stood and used the water he found in a leather bag that was hanging to perform his ablution. He performed his ablution thoroughly and commenced the prayer." 'Abdullāh ibn Abbās added: "I stood next to him [on his left]. The Messenger of Allah ﷺ put his right hand on my head, took hold of my ear and twisted it. He performed two units, then two units, then two units, then two units, then two units, then two units. [Ma'n (a narrator of this hadīth from Ibn 'Abbās) says the Messenger of Allah ﷺ prayed two units six times (a total of twelve units)]. The Messenger of Allah ﷺ then performed the *witr* and lied down [for a short period] until the *mu'adhin* came to inform him of the *fajr* prayer. He then prayed two short units and headed for the *masjid*."

the *imām* thereby swapping his role from follower to an independent individual. His prayer therefore becomes invalid without a good excuse. If he does have a valid reason to change his intention, then his prayer is valid and he need only complete what remains of it.

The evidence for the issue cited above is the incident of Mu'ādh. He prayed with his congregation the *'ishā* prayer in which he read Sūrah al-Baqarah and so the prayer was lengthy. A man with a camel left it to join Mu'ādh's congregation. When he realised that the prayer will be a long one and fearing that his camel might stray away, he decided to make an intention to pray as an individual. He then completed his prayer with this intention. The news of this incident reached the Prophet ﷺ who concurred with the action of this man. He also admonished Mu'ādh for lengthening the prayer. He ﷺ said, "Let he who leads the prayer lighten it for verily there are amongst them the old, weak and those who have to fulfil their needs."[489]

متن

وتبطل صلاة مأموم ببطلان صلاة إمامه، فلا استخلاف

The prayer of the follower is nullified when the prayer of the *imām* is nullified. There is no replacement.

This is an important issue. If the *imām's* prayer is nullified in the midst of prayer, e.g. by breaking his *wudhū*, will the prayer of the *ma'mūm* (follower) be nullified as well? Or should the *imām* appoint a replacement who shall complete the prayer?

"The prayer of the follower is nullified when the prayer of the *imām* is nullified. There is no replacement": This is the *madhab* of Imām Ahmad.

Another opinion is that it does not nullify the prayer of the followers and the *imām* can appoint another person to lead the prayer to its conclusion.[490] This is the correct opinion with the will of Allah. This is because when 'Umar was

489 Reported by al-Bukhārī (1/180) and Muslim (2/41) from the narration of Jābir ibn 'Abdullah. The phrasing of al-Bukhārī is, "Are you a *fatān* [or *fātin*] (chaos-monger)?"He ﷺ said this three times. Then he said, "If only you had recited *'sabihismi rabbikal a'lā or wa shamsi wa duhāhā or walayli idha yaghshā*. Verily there prays behind you the old, weak and those who have to fulfil their needs."

490 See *al-Insāf* (2/33).

stabbed while he was praying and bled profusely, he appointed 'Abdul Rahmān ibn 'Awf to lead the prayer to its conclusion.[491]

متن وإن أحرم إمامُ الحيِّ بمن أحرم بهم نائبُه وعاد النائبُ مؤتماً صح

If a deputy *imām* leads the prayer in the absence of the *imām* of that area, then lets the *imām* lead the prayer upon his arrival by falling back to become a follower, then this is allowed.

"If a deputy *imām* leads the prayer in the absence of the *imām* of that area, then lets the *imām* lead the prayer upon his arrival by falling back to become a follower, then this is allowed": This scenario can arise if the *imām* is delayed by unforeseen circumstances and an individual from amongst the Muslims leads the prayer momentarily. If he wills, he can relinquish his role and move to the right or towards the back to allow the *imām* to lead the prayer as the *imām* is more worthy of leading it. He then assumes the role of a follower.

There were incidents during the time of the Prophet ﷺ when this scenario actually occurred. In one of the battles, the Prophet ﷺ was delayed and 'Abdul Rahmān ibn 'Awf lead the congregational prayer. The Prophet joined the prayer behind 'Abdul Rahmān.[492]

In another incident, the Prophet ﷺ who was on his deathbed was delayed for the prayer due to his ailment. He ordered Abu Bakr to lead the people in the prayer. The Prophet later gained enough strength to join in the prayer. He went forward to assume the place of the *imām* and Abu Bakr moved to his right adopting the role of a follower. He called out loud the commands of the prayer on behalf of the Prophet so that the people following him behind could hear it. Hence, Abu Bakr was led by the Prophet ﷺ and the people were led by the prayer of Abu Bakr[493] (for they were oblivious to the fact that the Prophet had assumed the *imām's* position).

"The *imām* of that area": I.e. the *imām* who receives a salary to lead the prayer in a particular district or quarter.

491 The incident of 'Umar being stabbed. Reported at length by al-Bukhārī (5/19).

492 Reported by Ahmad (4/244, 247) from the narration of al-Mughīrah ibn Shu'bah.

493 Reported by al-Bukhārī (1/169) and Muslim (2/20-21) from the narration of 'Aishah.

باب صفة الصلاة
CHAPTER: DESCRIPTION OF THE PRAYER

Having explained the criteria for prayer, the author moves onto describing the prayer in detail. Description here refers to how the prayer is performed. There are two kinds of description: the complete description and the basic description. This difference appears because prayer is comprised of criteria (*shurūt*), acts that are pillars (*arkān*), mandatory (*wājib*) and optional (*sunan*).

The complete description then will comprise all of the four components mentioned above. The partial description comprises all these components except the acts that are *sunan*.

متن

يسن القيامُ عند قد من إقامتها، وتسويةُ الصف

It is Sunnah to stand up for prayer when the word "*qadd*" of the *iqāmah* is pronounced. He then straightens his row.

"It is Sunnah to stand up for prayer when the word "*qadd*" of the *iqāmah* is pronounced. He then straightens his row": It is Sunnah for the *ma'mūm* or follower to stand up and prepare for the prayer when he hears the *mu'adhin* call out, "*Qadd qamati as-salāh*". This is the view of some scholars.[494] Some others are of the opinion that one should stand up when the *iqāmah* starts. This is the more popular opinion and the correct one.[495]

"He then straightens his row": It is Sunnah for the *imām* and the *ma'mūm*

494 See *Muntaha al-Irādāt* by Ibn al-Najār (1/204).

495 See *al-Mughnī* (2/123).

to straighten the rows. The *imām* helps to guide the followers in making the rows straight and inspects them. He also instructs them to fill all the gaps that are between themselves and the rows. This is the responsibility of the *imām*. In addition, he instructs them to align their shoulders and ankles such that a straight and tight row is achieved. Shaytān squeezes himself into any gap that is within the rows and takes the opportunity to distract the Muslims from the prayer. A tight, straight row prevents the entry of Shaytān amongst them. The lesson to take away here is that Shaytān will never be able to influence a close-knit community. Only the stray individual falls prey to his whispers.

It must be pointed out that filling the gaps of the row does in no way refer to what some people who claim to be knowledgeable do nowadays. In his effort to close the gap, he spreads his legs far apart such that he takes up the standing space of two men. In doing so, he inconveniences those besides him. Islam teaches us to fill up the gaps in between a row by standing at ease and not with the legs far apart. Another mannerism of forming the rows for prayer is to start forming the later row only when the row before it is full and complete.

متن ويقول: الله أكبر، رافعاً يديه مضمومتي الأصابع ممدودةً حَذْوَ مَنْكِبَيْه كالسجود

And he says, '*Allahu akbar*' whilst raising both hands. His fingers are kept close to each other. He raises his hands up to shoulder level as he does in prostration.

"And he says, '*Allahu akbar*'": When the *imām* has helped align the rows for prayer, he makes the *takbīratul ihram* saying, "*Allahu akbar*". The *ma'mūm* do so likewise, after the *imām*. *Takbīratul ihram* is a pillar of the prayer. The spiritual covenant does not take place without it. It is called *takbīratul ihram* as it makes unlawful that which is lawful before the pronouncement was made, just as the *ihram* in *Hajj* and 'Umrah forbids hitherto lawful things once it is entered.

The phrase, "*Allahu akbar*" cannot be replaced with another phrase, such as, "*Subhanallah*", "*Alhamdulillah*" or, "*Lā hawla wa lā quwwata illa billah*". No other form of *dhikr* (remembrance) can be used in its stead. This is what the Prophet ﷺ taught us to do[496] so any other phrase is forbidden.

496 Reported by al-Bukhārī (1/192), (8/68) and Muslim (2/10, 11) on the narration of Abu Hurairah that once the Prophet ﷺ entered the *masjid*, a man came in, offered the prayer and greeted the Prophet. The Prophet returned his greeting and said to him, "Go back and pray

"Whilst raising both hands. His fingers are kept close to each other": It is recommended that he raise his hands, palms facing the direction of *qiblah* whilst saying the *takbīratul ihram*. His fingers are kept closely spaced, not spread out and his hands are raised to the shoulder level. The hands are raised at the beginning of the *takbīr* and lowered as soon as the *takbīr* is said. It is mentioned that raising the hands in the opening *takbīr* signifies the removal of the veil between the worshipper and his Creator.

The raising of the hands is recommended during the *takbīratul ihram*, bowing (*rukū'*) and whilst rising from it. This will be explained in detail later on. So we have three places for this action, however some add a fourth place, proclaiming that it is also done when one rises up after the first *tashahud*.

"He raises his hands up to shoulder level as he does in prostration": The hands are raised to shoulder level and parallel to it as he would place them whilst prostrating.

متن

ويُسمع الإمامُ مَنْ خَلْفَه كقراءته في أُولَتَيْ غير الظُّهْرَين، وغَيْرُه نفسه

The *imām* should be heard by those behind him, like his recitation in the first two units of the prayers besides the two afternoon prayers. Others should only read it quietly to themselves.

"The *imām* should be heard by those behind him": The *imām* should utter the *takbīratul ihram* aloud such that those praying behind him can hear. He should do this for all of the prayers. As for the recitation of the Qur'ān in the prayer, he should make it audible for the night prayers. Recitals in the two afternoon prayers are done silently. For this reason, prayers done at night are known as audible prayers (*salāt al-jihriyah*) while those done in the day are called silent prayers (*salāt al-siriyyah*).

---

again for you have not prayed." The man offered the prayer again, came back and greeted the Prophet. He said to him thrice, "Go back and pray again for you have not prayed." The man said, "By Him Who has sent you with the truth! I do not know a better way of praying. Kindly teach me how to pray." He said, "When you stand for the prayer, say *takbīr* and then recite from the Qur'ān what you know and then bow with calmness until you feel at ease, then rise from bowing till you stand straight. Afterwards prostrate calmly till you feel at ease and then raise (your head) and sit with calmness till you feel at ease and then prostrate with calmness till you feel at ease in prostration and do the same in the whole of your prayer."

The only objective for raising the voice is for the *ma'mūm* to hear the *imām*. As for those who intend it to be audible to people in their houses and neighbouring *masjids* using speakers, they are actually transgressing the *Shari'ah*. This over-indulgence also causes harm to others like the one praying in the other *masjids* as he is distracted by the noise. There is no benefit behind this act. Hence, the *imām* should reduce the volume of the microphone inside the *masjid*. However it is a must that the *adhān* is heard aloud outside the *masjid* so that those faraway can prepare to attend the congregation. However, the volume of the *takbīr* and recitation in the prayer should be minimised such that it is sufficiently heard by those within the *masjid*. People elsewhere should not be disturbed.

"Like his recitation in the first two units of the prayers besides the two afternoon prayers": That is, he should make the *takbīr* audible like his recitation in the first two units of the audible prayers.

"Others should only read it quietly to themselves": The followers should only recite to themselves, raising the voice only to the extent that he can hear himself read.

متن ثم يقبض كوع يسراه تحت سُرَّته وينظر مَسْجِدَه

Then he clutches his left wrist and places it below the navel while looking down at the place of prostration.

After making the *takbīratul ihram* as explained earlier, it is recommended that he place his right hand over his left hand, clutching his left wrist. He places his hands below the navel as this has been narrated by 'Alī. He said, "It is Sunnah to put the hands below the navel whilst performing the prayer."[497]

The correct opinion however is to place the hands on the chest.[498] This is a Sunnah act of the prayer. If one places his hands to his side, it is still accepted but he has omitted a Sunnah act.

497 Reported by Ahmad (1/110), Abu Dawūd (756), Ibn Abī Shaybah (1/343) and al-Dāraqutnī (1/286).

498 Reported by Ibn Khuzaymah (479) and al-Bayhaqī (2/30) from the narration of Wā'il ibn Hajr who said, "I prayed with the Messenger of Allah ﷺ and he placed his right hand over his left hand upon his chest."

"While looking down at the place of prostration": That is the spot on the ground that he will place his forehead upon whilst prostrating. He should not look straight ahead as this will definitely distract him from concentrating on his prayer.

متن ثم يقول: (سبحانك اللهم وبحمدك، وتبارك اسْمُكَ، وتعالى جَدُّك، ولا إلهَ غيرُك). ثم يستعيذُ ثم يُبَسْمِلُ سراً، وليست من الفاتحة

Then he says, "*Subhanakallahumma wa bihamdikka wa tabaraka ismuka wa ta'alā jadduka wa lā ilaha ghairuka.*" Then he recites *isti'ādhah* followed by the *basmallah* silently as it is not a verse of al-Fatihah.

The above verbal act is a Sunnah. It is known as *istiftāh* which is, "*Subhanakallahumma wa bihamdikka wa tabaraka ismuka wa ta'alā jadduka wa lā ilaha ghairuka.*" It means, "Glory is to You O Allah and praise. Blessed is Your Name and exalted is Your Majesty. There is no deity worthy of worship besides You." If he reads any other *istiftāh* which is authentically narrated from the Prophet ﷺ, it is accepted.

"*Subhanak*": Meaning: I glorify you O Allah from all that which is inappropriate for You.

"*Wa bihamdikka*": I.e. I glorify You in gratitude and I glorify Your eminence and kindness. Our glorification of Allah is a bounty from Allah to us in fact and denotes His guidance and approval.

"*Wa tabaraka ismuka*": Blessed is Your Name. Blessings are gained by mentioning Him for the name of Allah is full of blessings just like all of His other names. If Allah's name is mentioned over a thing or before doing an act, He ﷻ blesses it. Allah says: **{Blessed is the name of your Lord, Owner of Majesty and Honour.}**[499]

"*Ismuka*": Referring to all of Allah's names.

"*Wa ta'alā jadduka*": Exalted is Your Majesty. It can also mean Your Boun-

499 Al-Rahmān: 78

ties. Allah says: **{And [it teaches] that exalted is the nobleness of our Lord.}**[500] That is, His majesty is venerated.

"*Wa lā ilāha ghairuka*": I.e. there is none worthy of worship except Him. Some claim that it means that there is none worshipped except You. This is wrong as there are many things worshipped besides Allah. However the only one worthy of worship is Allah.

"Then he recites *isti'ādhah*": That is to say, "*A'ūdhu billahi minash shaytānir rajīm*", which means, "I seek refuge in Allah from Shaytān the accursed." This was the Sunnah of the Prophet ﷺ.[501] This is a verbal Sunnah act as gathered from the ayah: **{So when you recite the Qur'ān, [first] seek refuge in Allah from Satan, the expelled [from His mercy]}**[502]

"Followed by the *basmallah*": That is to say, "*Bismillahi rahmānir rahim.*"

"Silently": Without raising one's voice.

"As it is not a verse of al-Fātihah": The *basmallah* is not regarded as an ayah of Sūrah al-Fātihah.[503] It is detached from the Qur'ān, except in Sūrah al-Naml where it appears in between ayahs: **{Indeed, it is from Solomon, and indeed, it reads: 'In the name of Allah , the Entirely Merciful, the Especially Merciful.'}**[504]

متن

ثم يقرأ الفاتحة؛ فإن قطعها بذكرٍ أو سكوتٍ غيرِ مشروعٍ وطال، أو ترك منها تشديدةً أو حرفاً أو ترتيباً لزم غيرَ مأموم إعادتُها، ويجهر الكُلُّ بآمين في الجهرية

Then he reads Sūrah al-Fātihah. Pausing for remembrance or being silent in a manner which is not sanctioned by the *Shari'ah*, lengthening it, missing out on the stressed intonations (*tashdīd*) or a letter, or not reading it in sequence will render it invalid and so he would need to recite it again. The

500 Al-Jinn: 3

501 Reported by Ahmad (3/50), Abu Dawūd (775), al-Tirmidhī (242) and al-Nasā'ī (2/132) from the narration of Abu Sa'īd. Also in Ahmad (4/82, 85), Abu Dawūd (764), Ibn Mājah (807) from the narration of Jubayr ibn Mat'am.

502 Al-Nahl: 98

503 See *Majmū' al-Fatāwā'* (22/351).

504 Al-Naml: 30

follower is excluded. All should say '*amīn*' during the vocal prayers.

"Then he reads Sūrah al-Fātihah": After reading the *istiftah*, *isti'adah* and *basmallah*, he goes on to read Sūrah al-Fātihah which means, "The Opening." It is called as such because it is the opening *sūrah* of both the *mus-haf* and the prayer, and it is the greatest *sūrah* of the Qur'ān.

"Pausing for remembrance or being silent in a manner which is not sanctioned by the *Shari'ah*": The whole *sūrah* should be read in a flow without hindrance. If one stops mid-way for remembrance or remains silent in a manner which has not been sanctioned by the *Shari'ah*, then it is deemed invalid. He has to read the *sūrah* again.

An example of a pause for remembrance during recitation that is sanctioned by the *Shari'ah* would be to seek refuge in Allah when the torment of the hereafter is being read and seeking the bounty of Allah when the *ayāt* of mercy are read.

Silence condoned by the *Shari'ah* includes being silent when the *imām* is reciting the Qur'ān. One might start reading al-Fātihah and then stop to listen to the *imām's* recital. He then completes al-Fātihah after the *imām's* recital. This is permitted and the *sūrah* is valid.

"Lengthening it": I.e. a person remaining silent to ponder over something or just remaining silent without a valid reason will interfere with the flow of al-Fātihah and the *ayāt* in effect become disjointed from one another. This action renders it invalid.

"Missing out on the stressed intonations (*tashdīd*), a letter": *Tashdīd* indicates a repetition of the same letter. Hence if one omits the *tashdīd*, he is in fact omitting a letter. This means that he did not recite al-Fātihah completely and so it becomes invalid. Likewise if any of the other letters are omitted.

"Or not reading it in sequence": If he were to rearrange the sequence, for example reading the third ayah, followed by the first, then the second. His recitation is futile as one should read it as it was revealed by Allah.

"The follower is excluded": This means that the *imām* and the one praying

by himself are affected by their faultiness in the reading of al-Fātihah as it is a *rukn* of the prayer. The *ma'mūm* (follower) is not affected by his own faulty reading for the *imām's* (correct) reading will supersede his own.

"All should say, '*amīn*'": When al-Fātihah is completed it is a verbal Sunnah that the congregation, the *imām* and the *ma'mūm*, say "*amīn*." It means, "O Allah! Accept it." As al-Fātihah is a supplication in its entirety, we seek its acceptance by saying "*amīn*". Supplication for worship is sought at first followed by supplication to make good our affairs. Therefore, the "*amīn*" is very befitting at the end of the recital.

"During the vocal prayers": That is, prayers in which one reads aloud. As for the silent prayers, the "*amīn*" is also uttered silently.

متن

ثم يقرأ بعدها سورةً تكون في الصبحِ من طوال المفصَّل، وفي المغرب من قِصَارِه، وفي الباقي من أوساطه، ولا تصح الصلاةُ بقراءةٍ خارجةٍ عن مصحف عثمان

He then reads another *sūrah* after it; for the *subh* prayer he may read the long *sūrahs* of *mufassal* and at *maghrib*, he can read its short *sūrahs*. He can read from its mid-length *sūrahs* for the rest of the prayers. It is not permitted for him to read anything apart from the 'Uthmani *mushaf*.

"He then reads another *sūrah* after it": After reading al-Fātihah, he reads another *sūrah* from the Qur'ān.

"For the *subh* prayer he may read the long chapters of *mufassal*": *Mufassal* is the last *hizb* of the Qur'ān. It is named in this manner due to the many partitions between the *sūrahs* and the *ayāt*. *Mufassal* starts from Sūrah Qaf to the end of the Qur'ān. Some others say it starts from al-Hujurat while another view is that it starts from al-Dhukhan. But the first view is more popular.

"For the *subh* prayer he may read the long *sūrahs* of *mufassal* and at *maghrib* he can read its short *sūrahs*. He can read from its mid-length *sūrahs* for the rest of the prayers": *Subh* refers to the *fajr* prayer. The long *sūrahs* in the *hizb* of *mufassal* are from Sūrah Qaf to Sūrah al-Naba'. The mid-length *surahs* are from al-Nāzi'āt until Sūrah al-Dhuha. The short *sūrahs* are from Sūrah al-Sharh until the end of the Qur'ān.

However, it is still permitted for one to read a long *sūrah* from *mufassāl* or other long *sūrahs* for *maghrib*. The Prophet ﷺ read Sūrah al-A'rāf[505] during *maghrib* and once recited Sūrah al-Tūr.[506] He once also read Sūrah al-Mursalat.[507] However, this was very seldom. The present day *imāms* have left out reading *mufassāl* altogether in the vocal prayers. This is in contrast to the Sunnah of the Prophet ﷺ.

"It is not permitted for him to read anything apart from the 'Uthmani *mushaf*": The prayer in which the Qur'ān recital is not based upon the 'Uthmani *mushaf* becomes invalid. This *mushaf* was compiled during the lifetime of 'Uthman ibn Affān and it is in agreement with all of the Companions of the Prophet. It was then distributed throughout the world. Before this effort was taken, people used to differ in their readings of the Qur'ān as they had different *mushafs* with different sequence and writing. The Companions of the Prophet realised that if this was not rectified, it would disunite the Ummah. They suggested to 'Uthman, who was the caliph at that time, to standardise the Qur'ān. So he gathered all of the Companions and the reciters of the Qur'ān and discussed regarding it. They all agreed to the standardisation of the Qur'ān.[508] *Alhamdulillah*, the achievement of this only confirms Allah's promise in the Qur'ān when He said: **{Indeed, it is We who sent down the Qur'ān and indeed, We will be its guardian.}**[509]

'Uthman then ordered that copies be made of this standardised *mushaf* and that it be distributed throughout the lands. He also commanded the Muslims to only read this edition and gathered all of the other editions and burnt some of them and buried the rest. With this, the difference and dispute came to an end, *alhamdulillah*.

Hence, it is not permissible for anyone to read in prayer other than from the

505 As narrated by 'Aishah. It was reported by al-Nasā'ī (2/170) with the words, "The Messenger of Allah ﷺ read Surah al-A'rāf for *maghrib*, dividing it into two *rak'āts*."

506 Reported by al-Bukhārī (1/194), (4/84), (5/110) and (6/175) and Muslim (2/41) from the narration of Jubayr ibn Mut'am.

507 As reported by al-Bukhārī (1/193-194), (6/11) and Muslim (2/40-41) from the narration of Umm al-Fadl.

508 The incident of standardising the Qur'ān as reported by al-Bukhārī (6/226) from the narration of Anas ibn Mālik.

509 Al-Hijr: 9

standard 'Uthmani edition. If one does, then his prayer is invalid.

متن ثم يركع مكبراً رافعاً يديه ويضعها على ركبتيه مُفَرَّجَتَي الأصابع مستوياً ظهرُه ويقول: سبحان ربي العظيم، ثم يرفعُ رأسَه ويديه قائلاً: إماماً ومنفرداً: سمع الله لمن حمده وبعد قيامها: ربَّنا ولك الحمدُ مِلْءَ السَّماءِ ومِلْءَ الأرضِ ومِلْءَ ما شِئْتَ مِنْ شيء بعدُ، ومأموم في رفعه: ربَّنا ولك الحمدُ فقط

Then he bows for *ruku'* as he says the *takbīr* whilst raising his hands. He places his hands upon his knees with his fingers splayed and levels his back. He then says, "*Subhāna rabi al-azīm.*" He then raises his head and hands. If he is the *imām* or is praying individually, he says, "*Sami' allahu liman hamidah.*" After standing erect, he says, "*Rabbana wa laka al-hamd. Mila as-samāwāti wa mila al-ardhi wa mila mā shi'ta min shayin ba'd.*" The *ma'mūm* only says, "*Rabbanā wa laka al-hamd.*"

"Then he bows for *ruku'* as he says the *takbīr* whilst raising his hands. He places his hands upon his knees with his fingers splayed and levels his back": Once he completes his recital in the first *rakāt* (unit) of the prayer, he bows for *ruku'* saying the *takbīr*. This *takbīr* is known as "*takbīratul intiqāl*", that is *takbīr* for the moving from standing erect to the *ruku'*. This is a mandatory (*wājib*) act.

He raises his hand for the *takbīratul intiqāl* as he raised them for the *takbīratul ihram*. The raising of the hands here is a Sunnah act. He then places his hands upon his knees with his fingers splayed out.[510] He should level his back such that it is straight[511] during the bowing and level his head[512] in line with his back and not tilt it up or down. These are the characteristics of the *ruku'* of the Prophet ﷺ.

"He then says, '*Subhāna rabi al-azīm*'": This is a *wājib* (mandatory) act. This is because when the ayah: **{So exalt the name of your Lord, the Most Great.}**[513] was revealed, the Prophet ﷺ said, "Say it in your *ruku'*."[514]

510 As in the hadīth of Ibn Mas'ūd which was reported by Muslim (2/69).

511 Reported by Ahmad (1/123) as narrated by 'Alī ibn Abī Tālib.

512 Reported by Muslim (2/54) as narrated by 'Aishah.

513 Al-Wāqi'ah: 74

514 Reported by Ahmad (4/155), Abu Dawūd (869) , Ibn Mājah (887) and Ibn Khuzaymah (600) from the narration of 'Uqbah ibn 'Āmir.

"He then raises his head and hands. If he is the *imām* or is praying individually, he says, '*Sami' allahu liman hamidah.*'" This means, "Allah hears those who praise Him." The *ma'mūm* should only say, "*Rabbana wa laka al-hamd.*" (O our Creator! To You be all praises).

The *imām* and the one praying individually should say, "*Sami' allahu liman hamidah.*" The *ma'mūm* does not. This is according to the teachings of the Prophet ﷺ who said, "If he (the *imām*) says, "*Sami' Allahu liman hamidah*", all of you should say, "*Rabbana wa laka al-hamd.*"[515] The word "*sami'*" in this context means "accept".

He can also say: "*Allahumma rabbana wa laka al-hamd*" or "*Allahumma rabbana laka al-hamd*", and the first of these is better.[516]

متن ثم يَخِرُّ مُكبِّراً ساجداً على سبعة أعضاء: رجليه ثم ركبتيه ثم يديه ثم جبهته مع أنفه، ولو مع حائل ليس من أعضاء سجوده، ويُجافي عَضُدَيْه عن جنبيه، وبَطْنَه عن فخذيه ويفرق ركبتيه ويقول: سبحان ربي الأعلى

He proceeds to prostrate whilst saying the *takbīr* with seven body parts touching the ground. They are the feet, knees, hands and the forehead along with the nose; even if they are covered by another material besides the limbs of prostration. The shoulders should be extended away from the side of the body and his stomach from the thighs. His knees are kept apart. He then says, "*Subhana rabi al-'alā'*."

After standing erect and saying, "*Rabbana laka al-Hamd*", he adopts a prostrating position where seven parts of the body are touching the ground.

"They are the feet, knees, hands and the forehead along with the nose": The sequence with which the descent occurs is like this: first to touch the ground will be the knees, then the hands, then the forehead and nose. The elderly and sick can place their hands upon the ground before their knees so that the movement is easier.

515 Reported by al-Bukhārī (1/186-187, 203) and Muslim (2/18) from the narration of Anas ibn Mālik.

516 Reported by al-Bukhārī (1/201). See also *Zād al-Ma'ād* (1/219-220).

"Even if they are covered by another material": That is, even if he were to prostrate on a carpeted floor, it is permissible though prostrating on a plain floor is better. Sometimes, there is a pressing need for a carpeting of some sort. The Companions of the Prophet ﷺ used to place the corners of their turbans and clothes to protect themselves, when they made *sujūd*, from the ground baked hot by the sun.[517] When the ground is too hot, has gravel or thorns, it is permissible to cover it with something. Even our Prophet ﷺ used to pray on what was comfortable to him. At times, he used to pray on a plain floor while at others, he used to pray on a straw mat.[518]

"The shoulders should be extended away from the side of the body and his stomach from the thighs": While prostrating, he should keep the body parts apart. One should not be touching the other. Each part should be prostrating to Allah ﷻ very distinctively. His feet and shins should be apart and his thighs are kept apart from his shins while prostrating. His shoulders are kept apart from the side of his body. This is the recommended (*mustahab*) way of prostration.

However, if the place to make *sujūd* is constricted, then placing the shoulders apart will inevitably be an inconvenience to the person next to you as he will feel discomfort. Causing such harm is not permitted. Hence, he should draw his shoulders close to himself to prevent any inconvenience to the person next to him. If the *sujūd* is prolonged, like in the night or eclipse prayer, then one is permitted to rest his upper arm and elbows upon his knees while prostrating. This is to ease the tiredness that may result from prolonged prostration. When the Companions complained to the Prophet ﷺ that they had difficulty keeping their arms raised during a prolonged *sujūd*, the Prophet said, "Ease it with your elbows."[519]

"He then says, '*Subhana rabi al-'alā*'": Which means, "Glory is to my Lord, the Most High." When one prostrates as described, he says, "*Subhana rabi al-'alā.*" This is among the mandatory (*wājib*) acts of prayer. If one were to say

517 Reported by al-Bukhārī (1/107, 143), (2/81) and Muslim (2/109) from the narration of Anas ibn Mālik.

518 Reported by Muslim (2/62, 128), Ahmad (3/52), al-Tirmidhī (332) as narrated by Abu Sa'īd al-Khudrī.

519 Reported by Ahmad (2/339), Abu Dawūd (902), al-Tirmidhī (286) from the narration of Abu Hurairah.

something different such as, "*subhanallah*", "*alhamdulillah*", or "*lā ilāha illalāh*", it shall not be accepted because when the ayah: {**Exalt the name of your Lord, the Most High.**} was revealed, the Prophet commanded, "Include it in your prostration."[520]

متن **ثم يرفع رأسه مكبراً ويجلس مفترشاً يسراه ناصباً يمناه ويقول: رب اغفر لي، ويسجد الثانية كالأولى**

He then raises his head whilst saying the *takbīr* and sits upon his legs with the left foot lying prone and the right foot placed upright. He then says, "*Rabi ighfirlī.*" He prostrates again in a similar manner to the previous one.

"He then raises his head": From his prostration whilst saying, "*Allahu akbar.*"

"And sits upon his legs": Between the two prostrations. The Prophet ﷺ said: "Then sit until you are calmly sitting."[521] A person is deemed to have omitted a pillar (*rukn*) of the prayer if he does not sit between the two prostrations.

"With the left foot lying prone and the right foot placed upright": The outside of the left foot is placed upon the ground and he should sit upon the sole of the left foot. The toes of the right foot should press against the floor whilst the right ankle is upright.

"*Rabi ighfirlī*":[522] I.e. "O Lord forgive me" is read during the sitting. He can also read, "*Allahumma ighfirlī warhamnī wa 'āfinī wa ihdinī warzuqnī*" which means, "O Allah, forgive me, have mercy on me, protect me, guide me and provide for me." This was read by the Prophet ﷺ.[523]

"He prostrates again in a similar manner to the previous one": He repeats the prostration once more.

520 Reported by Ahmad (4/155), Abu Dawūd (869), Ibn Mājah (887) and Ibn Khuzaymah (600) as narrated by 'Uqbah ibn 'Āmir.

521 An extract from the hadīth of the ill-performed prayer as reported by al-Bukhārī (1/192, (8/68), Muslim (2/10-11) which was narrated by Abu Hurairah.

522 Reported by Ahmad (5/398), Abu Dawūd (874), al-Nasā'ī (2/231) and Ibn Mājah (897) as narrated by Hudhayfah.

523 Reported by al-Tirmidhī (284), Abu Dawūd (850) and Ibn Mājah (898) as narrated by Ibn 'Abbās.

متن ثم يرفع مكبراً ناهضاً على صدور قدميه معتمداً على ركبتيه إن سهل، ويصلي الثانية كذلك ما عدا التحريمةَ والاستفتاحَ والتَّعُوذَ وتجديدَ النيَّة

Following that, he rises back to the standing position whilst saying the *takbīr* using the balls of his feet and supported by his knees if convenient. He prays the second *rakāt* (unit) as he did the first but excludes the *takbīratul ihram*, the opening supplication (*istiftah*), the *ta'ūthu* and no new intention is required.

"Following that, he rises back to the standing position": For the second *rakāt*. He says the *takbīr* as he does so.

"Using the balls of his feet and supported by his knees if convenient": This describes how one should rise again to the standing position. The balls of the feet are used to push oneself up, whilst using the knees as support. This is if it is convenient for him. If this brings forth difficulty e.g. for the frail, elderly and disabled, they can just use their hands as support to rise up. This is indeed permissible.

"He prays the second *rakāt* (unit) as he did the first": Similar to the first *rakāt*.

"But excludes the *takbīratul ihram*": As it is performed only in the first *rakāt*.

"The opening supplication (*istiftah*)": This (i.e. "*Subhānaka allahuma wa bi hamdika*") is also read only in the first *rakāt*.

"The *ta'ūthu*": I.e. to seek refuge in Allah from the accursed Shaytān. This is also read only in the first *rakāt*.

"And no new intention is required": The second *rakāt* does not require a new intention of its own. The one intended in the beginning of the prayer shall suffice.

متن ثم يجلس مفترشاً، ويداه على فخذيه يقبض خِنْصَرَ اليمنى وبِنْصَرَها، ويُحَلِّقُ إبْهامَها مع الوسطى، ويشير بَسَبَّابتها (في تشهده). ويبسط اليسرى ويقول: التحيات لله والصلوات والطيبات، السلام عليك أيها النبي ورحمة الله وبركاته، السلام علينا وعلى عباد الله الصالحين، أشهد أن لا إله إلا الله وأشهد أن محمداً عبده ورسولُه، هذا التشهدُ الأولُ

Then he sits and places his hands on his thighs. He curls up the little and ring fingers of the right hand while making a ring with his middle finger and thumb. He points with his index finger during the *tashahud*. The left palm is left resting on the left thigh. He then says, "*Attahiyātu lillahi wa salawātu wa tayyibāt. Assalāmu 'alayka ayyuha annabiyyu wa rahmatullahi wa barakātuhu. Assalāmu 'alayna wa 'alā 'ibādillahi sālihīn. Ashadu an lā ilāha illallah wa ashadu anna muhammadan 'abduhu wa rasūluhu.*" This is the first *tashahud*.

"Then": After concluding the second *rakāt*, he sits down resting upon his left leg while keeping his right foot upright like the sitting between the two prostrations.

"And places his hands on his thighs": While sitting.

"He curls up the little and ring fingers of the right hand while the making a ring with his middle finger and thumb. He points with his index finger during the *tashahud*. The left palm is left resting on the left thigh": A ring shape is made by putting the tip of the thumb and middle finger together. He points with his index finger but does not shake it. This was the way the Prophet ﷺ did it.[524]

The pointing of the index finger indicates the oneness of Allah (*tawhīd*). As for the left hand, it just rests on the left thigh with the palm facing down. The fingers are not spread out but placed together. Then begins the first *tashahud*:

"*Attahiyātu lillahi*": I.e. that all glorification uttered in the bowing and prostration is to Allah ﷻ.

"*Wa salawātu*": I.e. that all prayers, obligatory and optional, are for Allah. None can have a share of it, as in the ayahs: **{Say, "Indeed, my prayer, my rites of sacrifice, my living and my dying are for Allah, Lord of the worlds."}**[525] And **{So pray to your Lord and sacrifice [to Him alone].}**[526] It is said that

524 Reported by Abu Dawūd (989), al-Nasā'ī (3/37) from the narration of 'Abdullah ibn al-Zubayr who said, "Verily the Prophet used to point with his index finger when he made *du'ā* and he never shook his finger."

525 Al-An'ām 162

526 Al-Kawthar: 2

"*salawāt*" refers to all acts of worship and that they are all dedicated to Allah; a clear indication of the oneness of Allah and the negation of associating partners with Him.

"*Wa tayyibāt*": This means "goodness" of all speech and actions. The Prophet ﷺ said, "Verily Allah is good and He accepts nothing but goodness."[527] Allah says: **{To Him ascends good speech.}**[528] Allah encompasses good speech and actions. He encompasses charity as well.

"*Assalāmu 'alayka ayyuha annabiyyu wa rahmatullahi wa barakātuhu*": Meaning, "Peace be upon you, O Prophet, and the mercy of Allah and His blessings." This is a supplication for the safety of the Prophet ﷺ from all harm. The word "*assalām*" could also mean, "The name of Allah upon you," for "*al-Salām*" is one of Allah's names. The second person narrative is used though the Prophet has passed away. This is to accentuate his presence in our thought process. Furthermore, this was how it was taught to us by the Prophet ﷺ.

"*Assalāmu 'alayna wa 'alā 'ibādillahi sālihīn*": After sending salutations to the Prophet ﷺ, he sends salutations to all pious servants of Allah from among the angels and mankind. He sends salutations to those who prayed alongside him and all the pious servants in the heavens and the earth. This is because all Muslims are brethren.

"*Ashadu an lā ilāha illallah wa ashadu anna muhammadan 'abduhu wa rasūluhu*": This is the testification of faith i.e. "I testify that there is no deity worthy of being worshipped besides Allah, and that Muhammad is His slave and messenger." He ﷺ possesses nothing from His *ulūhiyyah*, *rubūbiyyah*, or rights of worship, rather he is a slave of Allah.

"This is the first *tashahud*": There is another *tashahud* that comes later which is slightly different. More will be discussed at the appropriate time.

متن **ثم يقول: اللهم صَلِّ على مُحمدٍ وعلى آلِ مُحمدٍ كما صلَّيتَ على آل إبراهيمَ، إنَّك حميدٌ مجيدٌ، وبارِكْ على مُحمدٍ وعلى آلِ محمدٍ، كما باركت على آلِ إبراهيمَ، إنَّكَ حميدٌ مجيدٌ**

527 Reported by Muslim (3/85), Ahmad (2/328) and al-Tirmidhī (2989) from the narration of Abu Hurairah.

528 Fātir: 10

Then he says, "*Allahumma sali 'ala Muhammadin wa 'ala āli Muhammadin, kama salayta 'ala āli Ibrāhīm. Innaka hamīdun majīd. Wa bārik 'ala Muhammadin wa 'ala āli Muhammadin kama bārakta 'ala āli Ibrāhīm. Innaka hamīdun majīd.*"

This is included with what is read in the first *tashahud* as mentioned earlier.

"*Allahumma sali 'ala Muhammadin*": Which means, "O Allah! Bestow your favour upon Muhammad." Favours of Allah are praises for His slaves mentioned in the high heavens. At this juncture, we implore to Allah to praise His Prophet ﷺ in the high heavens. This is one of his rights binding upon us.

"*Wa 'ala āli Muhammadin... Innaka hamīdun majīd*": This means, "And upon the family of Muhammad… Verily You are praiseworthy and most glorious." This supplication is also for those who are dear to the Prophet ﷺ from among the Muslims and those who follow him. All these people are included in the "family of Muhammad."

"*Kama salayta 'ala āli Ibrāhīm*": This means, "As you bestowed favours upon the family of Ibrāhīm." This is a direct reference to the ayah in the Qur'ān: **{May the mercy of Allah and His blessings be upon you, people of the house. Indeed, He is Praiseworthy and Honourable.}**[529] Here the one praying seeks for the family of Muhammad all that which Allah bestowed upon the family of Ibrāhīm.

"*Wa bārik*": This means to send down blessings, which refers to prosperity, perpetual goodness and a constant level of deep faith. We seek these for the Prophet ﷺ and his family also.

"*Kama bārakta 'ala āli Ibrāhīm. Innaka hamīdun majīd*": Just as Allah mentions in the ayah above.

متن ويستعيذ- نَدبًا- من عذاب جهنَّمَ وعذاب القبر، وفتنة المَحْيا والمَماتِ، وفتنة المسيحِ الدجَّالِ

He seeks refuge in Allah (which is optional) from the torments of Jahan-

529 Hūd: 73

nam, the torments of the grave, the trials of life and death and the trials of al-Masīh al-Dajjāl.

"He seeks refuge in Allah": By reciting the supplication, seeking only Allah's help.

"From the torments of Jahannam": This is another name for the Hellfire and it has many names: Jahannam, al-Nār, Saqr, al-Hāwiyah, al-Jahīm and al-Sa'īr.[530]

"The torments of the grave": A consensus regarding the occurrence of torment in the grave can be drawn from the multitude of ahadīth mentioning it and the collective agreement of Ahlus Sunnah wal Jamā'ah regarding it. None refutes this except the innovators such as the Mu'tazilah, who are guided by only their intellect. Ahlus Sunnah wal Jamā'ah, on the contrary, do not interpret affairs of the unseen world with their intellect. The torment of the grave is from the unseen about which only Allah knows. Allah and His Messenger confirm the events of the unseen world and the torment of the grave is one such event. Whoever refutes its occurrence is a transgressing innovator.

The grave is either a garden from the gardens of Paradise or a pit from the pits of Hellfire. The life in the grave is known as al-Barzakh. It is named as such because it is a middle ground between the life of this world and the hereafter, a station between the two worlds.

"Trials of life": As long as man lives in this world, he shall face trials. So he should seek help to be steadfast in his *dīn* and seek refuge from becoming deviated like the numerous people who deviated after knowing the truth. So you should ask Allah that He make you steadfast upon the truth.

"And death": What is referred to here is the trials that one faces as death approaches. Indeed, a person may be pre-destined to have a wretched end where he dies in disbelief and so becomes an inhabitant of the Hellfire. Shaytān appears to him during the throes of death and offers him the religions of disbelief hoping that man will succumb to his whispers and fall into his deception. That man then dies as a disbeliever. Allah says: **{And say, "My Lord, I seek refuge in You from the incitements of the devils, and I seek refuge in You,**

530 See *al-Jāmi' al-Ahkām al-Qur'ān* by al-Qurtubī (10/21).

my Lord, lest they be present with me."}[531]

Trials of death can also be interpreted as torment of the grave. What is apparent, and Allah knows best, is that it is a combination of the trials faced when death approaches and whatever torments that come afterwards in the grave. The Prophet ﷺ said, "Verily this Ummah will face trials in the grave."[532] This trial begins with the appearance of the two angels who ask the grave dweller, "Who is your creator? What is your religion? Who is your prophet?" If he replies, "Allah is my creator, my religion is Islam and my prophet is Muhammad ﷺ", he is victorious and has succeeded. His grave turns into a garden from the gardens of Paradise. However, if he stammers and is not able to reply and says, "I don't know. I heard people say something and I repeated it." The grave constricts him and a door of hell is opened, exposing him to some of its torments. May Allah protect us from it.[533]

"And the trials of al-Masīh al-Dajjāl": He shall appear before the end of time. He will be amongst the Jews and will have Jewish followers. He will bring about such catastrophic trials that none will be spared from it except the people of true faith. A great number of people will follow him, may Allah protect us from it. His trials are so severe that he shall possess Paradise and·Hell. He will command the skies and it will rain. He will ordain the earth and it shall grow vegetation, and he will command it and its deep hidden treasures shall come forth. Allah shall empower him with such abilities as a trial for men. The Dajjāl will even claim he is Allah![534]

There has not come a prophet except that he had warned his nation regarding the Dajjāl[535] and our Prophet Muhammad ﷺ warned the most about him. Then the Messiah, Īsa ibn Maryam shall descend and kill Dajjāl at a place called Bablot in Palestine. Only then will the Muslims be free from the Dajjāl's

531 Al-Mu'minūn: 97-98

532 Reported by Muslim (8/161), Ahmad (3/346) from the narration of Abu Sa'īd al-Khudrī.

533 This is an excerpt from a lengthy hadīth narrated by al-Barā' ibn 'Āzib detailing the trials of the grave and the questioning by the two angels. Reported by Ahmad (4/287-288), Abu Dawūd (3212, 4753), Ibn Mājah (1548) and al-Nasā'ī (4/78).

534 Reported by Muslim (8/196-198), Ahmad (4/181), Abu Dawūd (4321) and al-Tirmidhī (2240) from the narration of al-Nawās ibn Sam'ān.

535 Reported by al-Bukhārī (2/117), (4/1639), (8/49) and Muslim (8/192) from the narration of 'Abdullah ibn 'Amr.

evil.

"Masīh": Dajjāl is called this because he will sweep the lands extremely quickly or it could refer to him being blind in one eye.

"Al-Dajjāl": This means "liar".

This is a great supplication (*dua'*) that all Muslims should learn the meaning of and ponder upon. They should make this supplication with all of their hearts.

The majority of scholars hold the view that reading it is recommended[536] only and there is no sin if one leaves off reading it. Hence it is optional. However some scholars consider it mandatory[537] as it was a command from the Prophet ﷺ who said, "Seek refuge in Allah from four [things]."[538]

متن

ويدعو بما ورد، ثم يسلِّم عن يمينه: السلامُ عليكم ورحمةُ الله، وعن يساره. وإن كان في ثُلاثيَّة أو رُباعيَّة نهض مكبِّراً بعد التشهد الأول، وصلَّى ما بقي كالثانية وبالحمد فقط، ثم يجلس في تشهده الأخير مُتورِّكاً، والمرأةُ مثله، لكن تَضُمُّ نَفْسَها، وتسْدلُ رِجْليها في جانب يمينها

He makes supplications that are authentic and then makes *salām* to his right saying, "*Assalāmu'alaykum wa rahmatullah*" and does likewise to his left. If he is performing a prayer consisting of a third or fourth *rakāt*, he should get up immediately after the first *tashahud*. He prays the other *rakāt* like the second *rak'āh*; by reading "*al-Hamd*" only. Following that, he sits in *tawarruq* for the final *tashahud*. The females do likewise except that they should sit compacted and lower their legs on the right side.

"He makes supplications that are authentic": That are found in the Qur'ān and Sunnah. Examples would be, "*Allahumma inni a'ūdhu bika minal ma'tham wal maghram*,"[539] "*Rabbana ātina fidunya hasanat wa fil akhirati hasanatan waqinā*

536 See *Sharh Sahīh al-Muslim* by Imām al-Nawawī.

537 Ibid.

538 Reported by al-Bukhārī (2/124) and Muslim (2/93-94) from the narration of Abu Hurairah.

539 Reported by al-Bukhārī (1/211), (3/154) and Muslim (2/93) from the hadīth of 'Aishah.

'adhāb annār,"[540] and, "*Rabanna innaka jāmi'un nāsi liyawmin lā rayba fīhi. Innallaha lā yukhliful mī'ād.*"[541]

He can supplicate other such authentic supplications from the Qur'ān and Sunnah or those which concur with it. The Prophet ﷺ said, "Then let him choose to supplicate that which is interesting to him."[542] He should supplicate for the well-being of his faith and his worldly affairs. He should supplicate for himself and for all Muslims, be they alive or dead, and should do it profusely. Verily supplication while performing an act of worship is better than when done at other times.

"And then makes *salām* to his right": Saying, "*Assalāmu'alaykum wa rahmatullah*".

"And does likewise to his left too": As the Prophet ﷺ said, "The *tahrīm* (commencement) is the *takbīr* and the *tahlīl* (conclusion) is the *taslīm*."[543] So the prayer is concluded by saying the *salām*. He makes *salām* to himself and to all those who are present for the prayer.

"If he is performing a prayer consisting of a third or fourth *rakāt*, he should get up immediately": Saying "*Allahu akbar*" as he gets up.

"After the first *tashahud*": I.e. after completing the first *tashahud*.

"He prays the other *rakāt* like the second *rak'āh*; by reading "*al-Hamd*" only": He should start his third and fourth *rakāt* with only Sūrah al-Fātihah and no recitation from the Qur'ān following it. He should not read another *sūrah* along with it. This is the authentic way and that which is well-known to the scholars.[544]

"Following that, he sits in *tawarruq* for the final *tashahud*": Distinguishing the

540 Al-Baqarah: 201

541 Āli 'Imrān: 9

542 Reported by al-Bukhārī (1/212) and Muslim (2/14) from the narration of 'Abdullah ibn Mas'ūd.

543 Reported by Ahmad (1/123), Abu Dawūd (61, 618), al-Tirmidhī (3) from the narration of 'Alī ibn Abī Tālib.

544 See *al-Mughnī* (2/281).

first *tashahud* from the second. To sit in *tawarruq*, one should place the left side of his rear end on the ground and raise the right side. The left foot goes under the rested side of the read end. The top of the foot faces the ground, the inner side faces upwards, and it is bent towards the right side. The right foot is folded in a way that the foot is upright.[545]

"The females do likewise": The female does and says everything that the males do, except for the minor differences that follow.

"Except that they should sit compacted": She does not lean her body like the men do but she compacts herself.

"And lower their legs on the right side": She does not sit on her rear end but sits on her legs with both feet to the right. The right foot is not kept upright but is let to rest on her left foot.

---

545 *Al-Dar al-Naqī* (1/213).

فصـــل
SECTION

متن ويُكرَه في الصلاة التفاتهُ، ورفعُ بصره إلى السماء وتغميض عينيه، وإقعاؤه، وافتراشُ ذراعيه ساجداً

Disliked during the prayer: To turn the head to the sides during prayer, looking skywards and keeping the eyes closed, sitting in the manner of *iq'āh'u* and placing the lower arms on the ground while making *sujūd*.

This section explains that which is disliked in the prayer. Some things are disliked while others are permissible. They are as follows:

"To turn the head to the sides during prayer": I.e. facing the sides and away from the direction of the *qiblah*. Doing so allows Shaytān to steal from the servant's prayer by tarnishing it.[546] When one looks to his side, he becomes preoccupied and this allows him to forget Allah. He ﷻ faces His servants when they face towards the *qiblah* during prayers.[547] When he faces away to the side, he has in fact shunned Allah.

"Looking skywards": Doing so is also disliked whilst one is praying. This is because Muslims should look at the place where they prostrate during the prayer.[548] This enhances concentration in prayers and allows one to open up

546 Reported by al-Bukhārī (1/191), (4/152) from the narration of 'Aishah.

547 Reported by al-Bukhārī (1/112, 191), (2/82) and Muslim (2/75) from the narration of 'Abdullah ibn 'Umar with a *marfū'* narration, "Let not one of you spit to the front when he prays."

548 Reported by al-Bayhaqī in his *Sunan* (2/283) that the Prophet used to look skywards while praying until Allah revealed the verse **{Successful indeed are the believers, Who are humble**

his heart to Allah. In a hadīth, the Prophet ﷺ said, "Let a people cease looking skywards or Allah will seize their eyesight and not return it to them."[549]

"And keeping the eyes closed": During the prayer. It is not permitted as this is the practice of the Jews. We Muslims are prohibited from it.

"Sitting in the manner of *iq'āh'u*": This is of three types[550]: (i) Placing the upper side of the foot completely on the ground while sitting, such that the sole of the foot faces up. (ii) Placing his rear end on the ground while lifting his thighs and shins and propping himself up with his hands. This is known as the dog's sitting posture; the worst sitting position that one can adopt. (iii) Placing the toes of both feet on the ground while the balls of the feet are upright then sitting on them. This method of sitting is recommended by some scholars as it appears in *Sahīh Muslim*.[551] This is not disliked, in fact it is a Sunnah that one should practice once in a while, but not always.

"Placing the lower arms on the ground while making *sujūd*": This kind of *sujūd* resembles that of a dog.

متن وعبثُه، وتَخَصُّرُه، وتَرَوُّحُه، وفرقعةُ أصابعِه، وتشبيكُها

And frivolous movements, putting the hands on the waist, fanning himself with his hands, cracking knuckles and intertwining the fingers.

"Frivolous movements": This is disliked as there is no benefit in it. It serves to distract from the prayer and is proof that he is not sincere in his devotion to Allah during the prayer. *Abathuhu* (frivolous movements) refers to an excess of movements like him fiddling with his beard or the hair on his head, fiddling with his clothes, i.e. when they are done without any reason whatsoever. Some people tend to busy themselves with unnecessary bodily movements which are an indication of their lack of devotion and concentration in prayer. A companion of the Prophet said that, "If a heart is filled with devotion, it silences the

in their prayers.} [Al-Mu'minūn: 1-2] The Prophet said to Anas, "O Anas! Direct your eyesight at the place where prostration is made."

549 Reported by Muslim (2/29), Ahmad (2/333, 367) and al-Nasā'ī (3/39) from the narration of Abu Hurairah.

550 See *al-Kāfi* (1/138) and *al-Mughnī* (2-206-207).

551 *Sahīh Muslim* (2/70).

entire body."[552] Hence one should not show laxness while praying by playing with his beard, hair or nose.

Complete concentration is expected from everyone during the prayer. Allah says: **{Certainly will the believers have succeeded: They who are during their prayer humbly submissive.}**[553] *Khushū'* (concentration) refers to total devotion along with the tranquillity of bodily movements.[554]

"Putting the hands on the waist": Placing the palms to the sides, on the waist. It is a habit of the Jews.

"Fanning himself with his hands": This is disliked while one is praying as it involves excessive movements.

"Cracking knuckles": Such that a sound is heard. This indicates laziness and a lack of concentration in the prayer.

"And intertwining the fingers": This is disliked as the Prophet ﷺ said, "Do not intertwine your fingers while performing prayers."[555] In another hadīth, the Prophet ﷺ saw a man doing so whilst praying and he took his hands and undid his fingers.[556]

متن

وأن يكون حاقناً، أو بحضرة طعام يشتهيه

Or if he is suppressing the need to urinate, excrete or if food is served.

"Or if he is suppressing the need to urinate or excrete": It is disliked that one in such a condition suppresses his urge to answer the call of nature and performs the prayer. This is because it will definitely distract him from concentrating on the prayer. It is based on the hadīth where the Prophet ﷺ said, "There is no prayer for he who is served food and for he who has to answer the call of

552 Reported by Muhammad ibn Nasr al-Marūzī in *Ta'zīm Qadr al-Salah* (150) with a *mawqūf* chain of narration attributed to Hudhayfah ibn al-Yaman.

553 Mu'minūn: 1-2

554 See *Madārij al-Sālikīn* by al-Imām ibn al-Qayyim (1/574).

555 Reported by Ibn Mājah (960) and al-Bazār in his *Musnad* (854) from the narration of 'Alī.

556 Reported by Ibn Mājah (967) from the narration of K'ab ibn 'Ujrah.

nature, to urinate or excrete."[557]

"Or if food is served": It is disliked for a person to start performing prayers after food is served for him. If he were to do so, his mind will be too engrossed on the food and all his thoughts will be about satisfying his appetite. Since it will distract one from his prayer the Prophet ﷺ said, "If dinner is served when the *iqāmah* for prayer is called, then let him start his dinner."[558]

متن

وتكرارُ الفاتحة، لا جمعَ سُوَرٍ في فرض كنفلٍ

To repeat Sūrah al-Fātihah, and it is permissible to read more than one *sūrah* in the obligatory prayer as it is permissible in the optional prayers.

"To repeat Sūrah al-Fātihah": That is, repeating Sūrah al-Fatihah inside a single *rak'āh* is disliked as reading it is a pillar (*rukn*) of *sālah* and it is forbidden to repeat a pillar of *salah*. Since reading al-Fātihah is a verbal *rukn*, as opposed to an action, repeating it is only disliked. As for a *rukn* that is performed with a physical action or movement (such as the prostration or bowing), then repeating it purposefully will invalidate the whole prayer. This is a consequence of increasing the *rukn*. However, if one repeats the action in forgetfulness, then he should make two prostrations of *sahwu* in expiation for forgetfulness.

"And it is permissible to read more than one *sūrah* in the obligatory prayer as is the case in the optional prayers": I.e. it is totally permissible to read more than one *sūrah* in the obligatory prayer as in the optional prayer. Evidence of this is from the following hadīth which proves that the Prophet ﷺ used to do it in the night prayer, "He ﷺ stood up for prayer one night and Hudayfah ibn Yamān stood beside him. He started to read Sūrah al-Baqarah followed by Sūrah al-Nisā' and 'Āli 'Imrān. He paused to ask for mercy every time he read an ayah indicating the mercy of Allah and he paused at every ayah that spoke of torment and asked for Allah's help."[559] This rule also applies for the obligatory prayers, as whatever is permissible for the *nafl* prayers applies to the *fard* prayers unless there is proof indicating specificity.

557 Reported by Muslim (2/78-79) from the narration of 'Aishah.

558 Reported by al-Bukhārī (1/171) and Muslim (2/78) from the narration of Anas ibn Mālik.

559 Reported by Muslim (2/186), Ahmad (5/382, 384), Abu Dawūd (871) , al-Tirmidhī (262) and al-Nasā'ī (2/176).

متن وله ردُّ المارِّ بين يديه وعدُّ الآي، والفَتْحُ على إمامه

He is allowed to stop a person crossing in front and at close proximity, count the ayahs recited and prompt the *imām* [if he has difficulty reciting].

"He is allowed to stop a person crossing in front and at close proximity": It is mandatory for him to stop another crossing the spot where he is praying, that is, between him and his *sutrah* (an object of a certain height or a wall). This should only be carried out by the *imām* and one who is praying individually. He does so by raising his hand. However, if the other person persists in crossing, then he should resist in stopping him. The Prophet ﷺ said, "When one of you stands for prayer, let him not allow anyone to pass in front. If he persists, resist him for indeed he is with the *Qarīn*."[560] If he is praying as a *ma'mūm*, then he should not stop the person from going across as the *imām's sutrah* serves as his *sutrah*.

"Count the ayahs recited": He is allowed to keep count of the ayahs using the fingers.

"And prompt the *imām* if he has difficulty reciting": As a result of forgetting the *ayāt*. There was an occasion when the Prophet forgot some *ayāt* and none from the congregation behind prompted him. As soon as he concluded the prayer with the *taslīm*, he turned to Ubay ibn K'ab and asked, "Where were you?"[561]

متن ولبسُ الثوبِ والعمامةِ، وقتلُ حيةٍ وعقــربٍ وقَمْــلٍ ، فإن أَطالَ الفِعْلَ عُرْفاً من غير ضرورةٍ ولا تفريقٍ بطلت ولو سهواً

Wearing of the robe, tying the turban, killing snakes, scorpions and mites. Even if this action takes some time to accomplish, as long as it is in line with tradition. However, if it is carried out unnecessarily or causes disruption, then the prayer becomes invalid, even when done absent-mindedly.

"Wearing of the robe, tying the turban": He is permitted to wear his robe while

560 Reported by al-Bukhārī (1/135-136) and Muslim (2/58) from the narration of Abu Sa'īd al-Khudrī.

561 Reported by Abu Dawūd (907), Ibn Hibbān (2242), al-Bayhaqī (3/212) from the narration of 'Abdullah ibn 'Umar.

he is praying as it is binding upon him to adorn himself for prayer. He can also wrap his turban on his head if it loosens. He can adjust it while he is praying.

"Killing snakes, scorpions": As the Prophet ﷺ said, "Kill the two black things: snakes and scorpions, even as you pray."[562] If deemed necessary, he can take hold of something to beat it with so that he is protected from its harm.

"And mites": If mites infest his body, he can strike them while praying so that he is spared of harm.

"However, if it is carried out unnecessarily or causes disruption, then the prayer becomes invalid": If killing the snake, scorpion or mite requires one to move about, he may do so only as much as is necessary to achieve his objective. If he moves in excess and it takes up too much time, then the prayer becomes null and void. Hence, the conditions that nullify prayer are unnecessary, superfluous and time-consuming movements. One has to refer to his society's customs to know the expected timing to kill any of these pests.

"Even when done absent-mindedly": This indicates a difference of opinion between the scholars. Some of them have the opinion that even though a person absent-mindedly breaches the three conditions mentioned above, the prayer is nullified. They argue that absent-mindedness is incompatible with the state of performing *salāh*.[563]

متن

ويباح قراءةُ أواخرِ السورِ وأوساطُها

It is permissible to read the end or middle portions of a *sūrah*.

"It is permissible to read the end or middle portions of a *sūrah*": A person can recite the end portion of a *sūrah* in his prayer for example, the last few *ayāt* of Sūrah al-Hashr, al-Baqarah and Āli 'Imrān and other such chapters. He can also read from the middle portions of a *sūrah*.

For example, the Prophet ﷺ started his recital from ayah one hundred and thirty six onwards of Sūrah al-Baqarah in the first *rakāt* of [the Sunnah units

562 Reported by Ahmad (2/233), Abu Dawūd (921), al-Tirmidhī (390), al-Nasā'ī (3/10) and Ibn Mājah (2351) from the narration of Abu Hurairah.

563 See *al-Muqnī* (1/164).

before] *fajr* followed by ayah sixty four onwards of Sūrah Āli 'Imrān in the second *rakāt*.[564] This is proof that it is permissible to read from the middle of a *sūrah* in the prayer. This is an example of a Sunnah prayer. As we have discussed, what is permitted in optional prayers is also permitted in obligatory prayers.

Allah says: **{So recite what is easy from it.}**[565] This is another evidence for the permissibility to read from the middle or end of a *sūrah* as this ayah generally applies to all *ayāt* in the Qur'ān. However, Ibn al-Qayyim disagrees in his book *Zād al Ma'ād*.[566] He says, "This permissibility is only for optional (*nafl*) prayers as the Prophet read from the middle and end portions of a *sūrah* in the optional prayer, not in the obligatory prayer. As for the obligatory prayer, it has not been reported that the Prophet ﷺ read from the middle or end portions of a *sūrah*. He only used to read from the beginning of a *sūrah*, dividing one *sūrah* so that it is read in two *rakāt* or more than one *sūrah* was read in a prayer. As for reading from the middle portion of a *sūrah*, it has been reported that the Prophet ﷺ did so for the Sunnah units of the *fajr* prayer only and the best guidance is the guidance of the Prophet ﷺ.

متن

وإذا نابه شيءٌ سبَّح رجلٌ وصفَّقتْ امرأةٌ ببطن كفِّها على ظهْر الأخرى

If the *imām* makes a mistake, the men should say *tasbīh* whilst the woman should slap her right palm on the back of the left hand.

"If the *imām* makes a mistake": I.e. during the prayer because of forgetfulness, for example instead of sitting for the first *tashahud*, he stood up or he prostrated before bowing. The *ma'mūm* should not keep silent when noticing these mistakes. They should try to alert the *imām* regarding it.

"The men should say *tasbīh*": By saying "*subhanallah*" repeatedly until the *imām* realises his mistake.

"While the woman should slap her right palm on the back of the left hand": Woman do not call out anything for their voice is from their *awrah*. So they

564 Reported by Muslim (2/161), Ahmad (1/230, 231), Abu Dawūd (1259) and al-Nasā'ī (2/155) from the narration of 'Abdullah ibn 'Abbās.

565 Al-Muzammil: 20

566 *Zād al-Ma'ād* (1/214-215).

clap their hands as described to create a sound to alert the *imām*. The evidence for this is the hadīth of the Prophet ﷺ who said, "If an error occurs in your prayers, then let the men say *tasbīh* and let the women clap."[567]

Since this command is specific, men should not clap their hands thereby resembling women. They should neither clap in prayer nor elsewhere for the Prophet cursed men who imitate women and women who imitate men.[568] Clapping of the hands is a trend of the disbelievers as well. Thus, doing so would also include imitation of the disbelievers as well. The non-Muslims used to clap their hands and whistle around the Ka'bah. Allah says: **{And their prayer at the House was not except whistling and handclapping.}**[569] "*Al-mukā'an*" in this ayah refers to whistling while the word "*al-tasdīah*" refers to clapping of the hands.

The disbelievers' trend is to clap their hands when they gather together for meetings and conventions. Many Muslims have adopted this trend too. The Sufis clap while making remembrance of Allah. In this, they resemble the disbelievers from the clan of Quraysh when they would gather at the Ka'bah. Shaykh al-Islam ibn Taymiyyah said, "Not one companion of the Messenger of Allah ever played the *duff* (drum) nor clapped his hands."[570]

متن **وَيَبْصُق في الصلاةِ عن يسارهْ وفي المسجد في ثوبه. وتُسن صلاتُه إلى سترةٍ قائمةٍ كآخرة الرَّحْل**

He should spit to the left side while praying and if he is in the *masjid*, then he should spit into his robe. It is a Sunnah act of prayer to place the *sutrah* held upright like the end of a saddle.

"He should spit to the left side while praying": If he doesn't pray in the *masjid* and he has to spit, he should do so to his left. It is forbidden for him to spit in front of him or to his right. It is permissible to tilt his face slightly to the left to do so.

567 Reported by al-Bukhārī (1/174-175), (2/80) and Muslim (2/25-26) from the narration of Sahl ibn Sa'd.

568 Reported by al-Bukhārī (7/205), Ahmad (1/339), Abu Dawūd (4097), al-Tirmidhī (2784) and Ibn Mājah (1904) from the narration of 'Abdullah ibn 'Abbās.

569 Al-Anfāl: 35

570 See *Majmū' al-Fatāwā'* (11/562-567).

"And if he is in the *masjid*, then he should spit into his robe": He should spit into his robe, clothes or into his paper towel or handkerchief. He should not spit on the ground of the *masjid* for it is a sin.[571]

"It is a Sunnah act of prayer to place the *sutrah* held upright like the end of a saddle": The *sutrah* is an object, which is similar in size to the back of a saddle. This object could be a stone, wall, tree or a stick poked into the ground placed in front of an individual before he prays as an *imām* or if he is praying individually. The Prophet ﷺ used to place a small stick into the ground in front of him and he would pray close to it.[572]

It is recommended that one should have a *sutrah* before he prays. However, according to the majority of the scholars, it is not mandatory.[573]

متن

فإن لم يجـدَ شاخصاً فإلى خَط، وتبطُلُ بمرور كلبٍ أسود بَهِيم فقط

If he does not find anything to place as a *sutrah*, he can draw a line on the ground. Prayer is nullified if a black dog passes in front of him.

"If he does not find anything to place as a *sutrah*, he can draw a line on the ground": In front of him such that people who pass by will know that this is his boundary for *sutrah* and they will not walk between him and the line.

It is forbidden to walk between a praying person and his or her *sutrah* as the Prophet ﷺ said, "If he who passes between a man and his *sutrah* were to know the gravity of his act, it will have been better for him to wait forty than to pass in front of him."[574]

In Masjid al-Haram, Masjid al-Nabawī or other major *masjids* which are crowded, there is a need for people to move about. Hence, it is excusable if they do so in front of others who are praying. The prohibition is removed due

571 Reported by al-Bukhārī (1/113), Muslim (2/77) from the narration of Anas ibn Mālik who said, "The Prophet ﷺ said, "Spitting on the *masjid* floor is a sin, its expiation is to bury the spit."

572 Reported by al-Bukhārī (1/105), (7/182) and Muslim (2/56) from the narration of Abu Jahayfah.

573 See *al-Mughnī* (3/80).

574 Reported by al-Bukhārī (1/136) and Muslim (2/85) from the narration of Abu Juhaym.

to inevitability and there being a dire need.

"Prayer is nullified if a black dog passes in front of him": In the hadīth, it mentions that three things, when they pass in front of a person, disrupt his prayer. They are: a woman, a donkey and a black dog.[575] That is, a dog that is pure black without a mixture of any other colour.

Scholars differ as to what is meant by the word *qata'* (disrupt) that is mentioned in the hadīth. The majority of the scholars take it to mean the decrease in the rewards of the prayer, not that it is nullified. Other scholars however view that the prayer is nullified by the passing of the three things in front of a praying person. They take the literal meaning of the hadīth which requires the person to re-do his prayer. A third view, as mentioned by the author and a position in the *madhab*, is that only the passing of the black dog nullifies the prayer.

The preferred view, and Allah knows best, is that all three things mentioned do not nullify the prayer of the person who they pass in front of. What is meant in the hadīth is only nullification of or diminishing of rewards.[576]

متن وله التعوذُ عند آية وعيد، والسؤالُ عند آية رحمةٍ ولو في فرض

He should seek refuge in Allah when the *ayāt* of torment are read. He should ask for Allah's bounties when the *ayāt* of mercy are read. This can be done in the obligatory prayers as well.

"He should seek refuge in Allah when the *ayāt* of torment are read": A person should do so while reciting these *ayāt* in the prayer.

"He should ask for Allah's bounties when the *ayāt* of mercy are read": He should do this in his prayer as the Prophet ﷺ used to do so in his night prayers as narrated by Hudhayfah in a hadīth.[577]

575 Reported by Muslim (2/95), Ahmad (5/149, 151) from the narration of Abu Dharr.

576 See *al-Insāf* (2/106) and *al-Iqnā'* (1/202).

577 Reported by Muslim (2/186), Ahmad (5/382, 384) with the words, "I prayed with the Prophet ﷺ one night. He started to recite al-Baqarah and I thought, 'He will bow when he reaches one hundred,' but he carried on. I thought, 'He is going to recite the whole *sūrah* in one *rak'ah*,' but he carried on. He started to recite al-Nisā' and recited (the whole *sūrah*), then he

"This can be done in the obligatory prayers as well": Whatever is permitted in the optional (*nafl*) prayers, is also permitted in the obligatory prayers except when evidence indicates a difference or points to exclusivity.

---

started to recite Āli 'Imrān and recited (the whole *sūrah*), reciting slowly. When he reached an ayah that spoke of glorifying Allah, he glorified Him. When he reached an ayah that spoke of supplication, he made supplication. When he reached an ayah that spoke of seeking refuge with Allah, he sought refuge with Him. Then he bowed and said, '*Subḥāna rabbī al-azīm.*' (Glory be to my Lord Almighty.) And he bowed for almost as long as he had stood. Then he raised his head and said, '*Sami' allahu liman ḥamidah.*' (Allah hears those who praise Him) and he stood for almost as long as he had bowed. Then he prostrated and said, '*Subḥāna rabbī al-'Ala.*' (Glory be to my Lord Most High), and he prostrated for almost as long as he had stood."

فصـــل
SECTION

متن

أركانُها: القيامُ
The pillars (*rukn*) of prayer: standing (*qiyām*)

"Section": The physical and verbal deeds in the prayer can be classified into three categories:

First category: *Rukn*: the pillars of the prayer without which the prayer is null and void. *Rukn* are strong foundations which hold up all else related to them.[578]

Second category: *Wājib*: which are mandatory acts distinguished from the pillars.

Third category: *Sunan*: physical and verbal deeds that are optional. These serve to perfect and complete the prayer.

There are fourteen *arkān* (pillars) of prayer:

First pillar: *Qiyām* (standing) i.e. standing whilst praying the obligatory prayers. Allah ﷻ says: **{Maintain with care the [obligatory] prayers and [in particular] the middle prayer and stand before Allah , devoutly obedient.}**[579] And the Prophet ﷺ said, "The sick should pray standing and if he is unable, then whilst sitting, and if he is unable to do even that, then whilst lying

578 See *al-Mutla'* (p. 88) and *al-Misbāh al-Munīr* (p. 324).

579 Al-Baqarah: 238

down."[580] Standing in the obligatory prayer is a pillar of the prayer. If a person was to pray sitting down when he is able to stand, his prayer is invalid. The optional prayers are valid if he prays sitting down without a valid excuse. However, he receives only half the reward for performing the optional prayer[581] and shall receive the full reward if he does have a valid excuse.

متن

والتَّحريمةُ، والفاتحةُ، والركوعُ، والاعتدالُ عنه

And *tahrim*, al-Fātihah, bowing and standing erect after bowing.

<u>Second Pillar</u>: *Tahrīm* i.e. *takbīratul ihram*. If one performs the prayer without it, he has not commenced the prayer at all as prayer is begun only when the *takbīratul ihram* is said. It is called such as it makes forbidden all that was allowed before it e.g. eating, drinking and walking. These actions are not allowed once the *takbīr* is said. Just as when a pilgrim enters the state of *ihram*, that which was lawful becomes unlawful in deference to being in the state of *ihram*.

If he says another phrase of *dhikr* for example, "*subhanallah*" or "*lā ilāha ilallah*" instead of "*Allahu akbar*", his prayer is invalid. He must say "*Allahu akbar*" to commence his prayer.

<u>Third Pillar</u>: Al-Fātihah: Reading Sūrah al-Fātihah is an obligation for the *imām* and the person praying individually. As for the *ma'mūm*, there is a difference of opinion among scholars.

<u>Fourth Pillar</u>: Bowing (*ruku'*): One must bow down by placing his hands on his knees. The evidence is in the Qur'ān where Allah says: **{O you who have believed, bow and prostrate.}**[582]

<u>Fifth Pillar</u>: Standing erect after bowing (*i'tidāl*): If one prostrates immediately after bowing and does not stand erect between the two positions, his prayer becomes invalid. This is because *i'tidāl* is a pillar of the prayer.

---

580 Reported by al-Bukhārī (2/60), Ahmad (4/426), Abu Dawūd (952) and al-Tirmidhī (372) from the narration of 'Imrān ibn Hussain (with similar content).

581 Reported by Muslim (2/165), Ahmad (2/162, 192), Abu Dawūd (950) and al-Nasā'ī (3/223) from the narration of 'Abdullah ibn 'Amr with a *marfu'* chain to the Prophet.

582 Al-Hajj: 77

متن والسجودُ على الأعضاء السبعة، والاعتدالُ عنه، والجلسة بين السجدتين، والطُّمأنينة في الكُلّ

Prostration (*sujūd*) done with seven body parts, to make *'itidāl* after *sujūd*, sitting between the two prostrations and to be calm between the movements (*tuma'nīnah*).

Sixth Pillar: Prostration (*sujūd*), done with seven body parts touching the ground. The Prophet ﷺ said, "I was commanded to prostrate on seven body parts: the forehead (and he pointed to his nose), both hands, both knees and the toes of both feet."[583] If he is too frail to make *sujūd* with his forehead, then he is not obliged to make *sujūd* with the other parts touching the ground. He can just tilt his body to signify that he is prostrating.

Seventh and Eight Pillars: *I'tidāl* after *sujūd* and sitting between the two prostrations. *I'tidāl* (to raise one's self up into the sitting position) comes after the first *sujūd*. If he goes to make the second *sujūd* without sitting erect, his prayer becomes invalid as he has left off a *rukn* (pillar) of the prayer.

Ninth Pillar: To be calm between the movements (*tuma'nīnah*) i.e. to have stillness and tranquillity precede every movement. The body parts come to rest in their proper positions in all of the eight pillars of prayer discussed above.

The evidence for this can be derived from the incident when a man came to the Prophet ﷺ after having prayed and greeted him. The Prophet replied to the *salām* and added, "Repeat your prayer for verily you have not prayed." The man then repeated his prayer and returned to the Prophet ﷺ and greeted him. The Prophet replied to his greeting and added again, "Repeat your prayer for verily you have not prayed." The man went to repeat his prayer again and came back to the Prophet. He greeted him and the Prophet replied to it and added a third time, "Repeat your prayer for verily you have not prayed." To this the man said, "By Him who sent you as a Prophet, I cannot pray any better so teach me." The Prophet said to him, "If you stand for prayer, say the *takbīr* then read of the Qur'ān what is easy for you, then make *ruku'* until you are calm in it, then rise up to stand erect until you are calm in it, then make *sujūd* until you are calm in

583 Reported by al-Bukhārī (1/206, 207) and Muslim (2/52) from the narration of 'Abdullah ibn 'Abbās.

it, then sit until you are calm in it. Do this throughout your prayer."[584]

The Prophet ﷺ in this narration taught us to have tranquillity throughout the prayer.

متن

والتشهدُ الأخيرُ، وجلستهُ، والصلاةُ على النبي فيه

And the final *tashahud*, its sitting and sending salutations to the Prophet ﷺ in it.

Tenth pillar: The final *tashahud*, which is similar to the first *tashahud* but with addition of the following, "*Allahumma salli 'alā Muhammad wa 'ala āli Muhammad kama salaita 'ala āli Ibrāhīm, innaka hamīdum majīd. Wa bārik 'ala Muhammad wa 'ala āli Muhammad kama bārakta 'ala āli Ibrāhīm, fī al-'ālamin. Innaka hamīdum majīd.*" (O Allah, bestow your favour upon Muhammad and his family as you have bestowed your favour upon Ibrāhīm and his family, You are Praiseworthy, most Glorious. O Allah, bless Muhammad and his family as you have blessed Ibrāhīm and his family from among all others in the worlds, You are Praiseworthy, most Glorious).

Eleventh pillar: The sitting of the final *tashahud.* He cannot make the supplication in the *tashahud* when he is not sitting. He has to be in a sitting position during the *tashahud.*

Twelfth pillar: Sending salutations upon the Prophet ﷺ in it. If one just reads the first supplication without sending salutations upon the Prophet (as mentioned in the tenth pillar i.e. the addition to the supplication that is read in both *tashahuds*), his prayer is invalid.

متن

والترتيبُ، والتسليمُ

To observe the correct sequence (*tartīb*) and to make the *taslīm*.

Thirteenth pillar: Observing the correct sequence (*tartīb*) of the various pillars. He should say the *takbīratul ihram*, then read al-Fātihah and another *sūrah* which is easy for him, then make *ruku'*, stand erect followed by the pros-

584 Reported by al-Bukhārī (1/192) (8/68) and Muslim (2/10, 11) from the narration of Abu Hurairah.

tration, then he rises up to sit between the two prostrations, then prostrates again. This is the sequence that must be maintained. If one alters it, for example he reads Sūrah al-Fātihah before making the *takbīratul ihram* or makes *sujūd* before making *ruku'*, his prayer becomes invalid. The Prophet prayed his prayer in sequence and said, "Pray as you see me pray."[585] There are authentic ahadīth that describe the prayer of the Prophet with this sequence. So it becomes obligatory on us to establish the prayer as the Prophet ﷺ established it.

Fourteenth pillar: *Taslīm*: this is the last pillar of the prayer. To make *taslīm* by saying "*Assalāmu 'alaikum wa rahmatullah*" (may the peace and mercy of Allah be upon you) to his right and then to his left. It is Sunnah to turn his head to the right and left while saying *taslīm*. Only the *taslīm* i.e. saying "*Assalāmu 'alaikum wa rahmatullah*" is a *rukn* of prayer.

متن وواجباتُها: التكبيرُ غيرَ التَّحريمةِ والتسميعُ والتحميدُ وتسبيحتا الركوعِ والسجودِ

And the mandatory acts are: the *takbīrs* other than the *takbīratul ihram*, *al-tasmī'*, *al-tahmīd*, the two *tasbīh* in *ruku'* and in *sujūd*.

"And the mandatory acts": In the prayer there are eight mandatory acts altogether.

First mandatory act: The *takbīrs* other than the *takbīratul ihram* i.e. all the *takbīrat* (saying *Allahu akbar*) that are said at the start of each movement in prayer. The *takbīratul ihram* as mentioned earlier is a *rukn* of prayer.

Second and third mandatory acts: *Al-tasmī'* and *al-tahmīd* refer to the statement, "*Sami' Allahu liman hamidah*" (Allah hears all those who praise Him). This should be uttered by the *imām* and the person praying individually. The *ma'mūm* (follower) however need not say this, and sufficient is it for him to say, "*Rabanā wa laka al-hamd*" (O our Lord, to You is all praise). The evidence is the hadīth where the Prophet said, "If he says, '*Sami' Allahu liman hamidah*' say, '*Rabanā wa laka al-hamd.*'"[586]

Fourth and fifth mandatory act: The two *tasbīh* in *ruku'* and *sujūd*. In *ruku'* that is saying, "*Subhāna rabī al-azīm*" (Glory to my Lord, the Exalted). It is

585 Reported by al-Bukhārī (1/162), (8/11) from the narration of Mālik ibn al-Huwayrith.

586 Reported by al-Bukhārī (1/186-187, 203) and Muslim (2/18) from the narration of Mālik.

wājib (mandatory) to say it at least once. To repeat it three times is better. In *sujūd* that is saying, "*Subhāna rabī al-a'lā*" (Glory to my Lord, the Most High). It is *wājib* (mandatory) to say it at least once. To repeat it three times is better.

متن وسؤالُ المغفرة مرّةً مرّةً، ويسن ثلاثاً، والتشهدُ الأولُ، وجَلستُه. وما عدا الشرائط والأركان والواجبات المذكورة سُنَّة

Asking for forgiveness is said once though repeating it three times is Sunnah, the first *tashahud* and its sitting. The rest, which are not a condition, a *rukn* or *wājib* as have been detailed, are Sunnah.

Sixth mandatory act: "Asking for forgiveness": Whilst sitting between the two prostrations saying, "*Rabighfirlī*". This is said once, but to repeat it three times is better.[587] One can also add, "*Warhamnī wahdinī wa 'āfinī warzuqnī*" (And show mercy upon me, guide me, support me and provide for me). This supplication has been authentically reported from the Prophet ﷺ.[588]

Seventh and Eighth mandatory acts: "The first *tashahud* and its sitting": I.e. to read, "*Attahiyātu lillah wa salawatu wa tayyibāt. Assalāmu 'alaika ayyuha annabiyyu wa rahmatullahi wa barakātuhu. Assalāmu 'alaina wa 'alā 'ibādillahi salihīn. Ashadu an lā ilāha illa Allah wa ashadu anna muhammadan 'abduhu wa rasuluhu.*" If one omits this on purpose, his prayer is null and void. However, if he forgets to read it and stands up for the third *rakat*, then he should make expiation by making *sujūd sahwu* (*sujūd* for forgetfulness).

"The rest, which are not a condition, a *rukn* or *wājib* as have been detailed, are Sunnah": Nine conditions, fourteen pillars and eight mandatory acts were pointed out. Those physical or verbal deeds not included are deemed to be Sunnah or optional which earn rewards when performed and do not incur sin when omitted.

متن فمن ترك شرطاً لغير عذر غير النية فإنها لا تسقط بحال أو تعمَّد ترك ركن أو واجب بطلتْ صلاتُه، بخلاف الباقي، وما عدا ذلك سننُ أقوالٍ وأفعالٍ، لا يشرع السجود

587 Reported by Ahmad (5/398), Abu Dawūd (874), al-Nasā'ī (2/231), Ibn Khuzaymah (684) and al-Bayhaqī (2/221) from the narration of Hudhayfah.

588 Reported by Abu Dawūd (850), al-Tirmidhī (284), Ibn Mājah (898) and al-Bayhaqī (2/122) from the narration of 'Abdullah ibn 'Abbās.

لتركـهِ، وإن سجد فلا بأس

Whosoever omits a condition of prayer without a valid excuse, except the intention which essentially cannot be dismissed, or wilfully omitted a pillar or a mandatory act, his prayer is invalid. This is not the case for the rest of the deeds which are considered optional, be they physical or verbal deeds. Expiation by making *sujūd* is not required for missing out on these deeds. However, he can do so if he wants to.

"Whosoever omits a condition of prayer without a valid excuse, except the intention which essentially cannot be dismissed": One who omits the *niyyah* (intention), his prayer is nullified even before he starts performing it as the Prophet ﷺ said, "Verily deeds are by intention and for every man is what he intended."[589] Intention can neither be dismissed nor excused by forgetfulness, wilful omission or ignorance. The rest of the conditions however, can be excused if one is unable to perform them. We derive this from the ayah: **{So fear Allah as much as you are able.}**[590] And the saying of the Prophet ﷺ, "If I command you to do something, try doing it to your level best."[591]

"Or wilfully omitted a pillar or a mandatory act, his prayer is invalid. This is not the case for the rest of the deeds": Mandatory acts when omitted wilfully invalidate the prayer. However if he forgets to perform a mandatory act, he can expiate for it by making *sujūd al-sahwu*.

As for the pillars, wilful omission invalidates the whole prayer. However, forgetting to perform a *rukn* invalidates only the *rak'āh* in which it was forgotten. He has to add a *rak'āh* to replace it.

As for the Sunnah acts, both wilful omission and forgetting to do them do not nullify the prayer.

589 Reported by al-Bukhārī (1/2, 21), (3/190) and Muslim (6/48) from the narration of 'Umar ibn al-Khattāb.

590 Al-Taghābun: 16

591 Reported by al-Bukhārī (9/117) and Muslim (4/102) from the narration of Abu Hurairah.

باب سجود السهو
CHAPTER: SUJŪD OF FORGETFULNESS

متن

يُشرع لزيادةٍ ونقصٍ وشكٍّ، لا في عَمْدٍ، في الفرض والنافلة

It is prescribed for adding or omitting acts and for doubt. It is not prescribed for wilful omission. It is applicable both in obligatory and optional prayers.

"*Sujūd* of forgetfulness": This is the *sujūd* done in expiation for forgetting a deed in the prayer.

"It is prescribed for adding or omitting acts and for doubt": "*Sahwu*" means to forget or being absent-minded. In prayer, it refers to forgetfulness by adding or omitting an act and being doubtful as to whether an act was completed or not. Hence an expiation exists in the form of *sujūd al-sahwu*.

Allah makes mention of people forgetting prayer itself. He says: **{So woe to those who pray. [But] who are heedless of their prayer.}**[592] And "*sahwu*" of prayer can also refer to its neglect. Allah says: **{But there came after them successors who neglected prayer and pursued desires.}**[593] Neglect here alludes to a prayer performed haphazardly and that is imperfect. For example, if one delays his prayer until its specific time lapses, he leaves off congregational prayer without a valid excuse or prays it hurriedly.

A warning comes regarding this, to those who are not careful in their prayer,

592 Al-Ma'ūn: 4-5

593 Maryam: 59

even if they perform the prayer. Allah says: **{So woe to those who pray.}**[594] Allah refers to them as "those who pray." However, they do not give the prayer its due attention and are not observant of the conditions and requisites. They do so at will and as they desire. Hence, Allah warns them in this ayah with woe. This is due to their lackadaisical approach towards the prayer and their mockery of it. Surely they deserve the admonishment.

Forgetfulness whilst performing prayers may not be attributed to man as it is not done on purpose or by choice. In fact it happened to the Prophet ﷺ several times. On one occasion when he forgot, he said, "Verily I am also human, I forget as you all forget."[595]

There is wisdom behind his forgetfulness in prayer, though he is the most complete and perfect creation in fearing Allah. It served to educate us regarding the remedial actions to take in the event that we forget a deed during prayer. The purpose of *sujūd al-sahwu* is to fulfil the deficiencies in the prayer which result due to one's forgetfulness. However, if there was no shortcoming, then it serves to humiliate Shaytān for indeed it is he who causes forgetfulness in prayer.[596]

"It is not prescribed for wilful omission": *Sujūd al-sahwu* is not meant as an expiation for wilful omission or addition in prayer. Any wilful blemish or distortion will immediately invalidate the prayer as we shall soon discuss. There are various deeds that the Prophet ﷺ forgot in his prayer: he prayed only two *rakāt* while performing a prayer that consisted of four,[597] he stood up after the second *rakāt* without sitting for the first *tashahud*,[598] he prayed five *rakāt* for

594 Al-Ma'ūn: 4

595 Reported by al-Bukhārī (1/110, 111), Muslim (2/84) from the narration of 'Abdullah ibn Mas'ūd.

596 Reported by Muslim (2/84) from the narration of Sa'īd al-Khudrī who said, "The Messenger of Allah ﷺ said, 'When any one of you is in doubt about his prayer and he does not know how much he has prayed, three or four (*rak'ahs*). He should cast aside his doubt and base his prayer on what he is sure of, then perform two prostrations before giving salutations. If he has prayed five *rak'ahs*, they will make his prayer an even number for him, and if he has prayed exactly four, they will be humiliation for the devil.'"

597 Reported by al-Bukhārī (1/129, 183), (2/86) and Muslim (2/86) from the narration of Abu Hurairah.

598 Reported by Ahmad (4/247, 253), al-Tirmidhī (365) from the narration of al-Mughīrah.

a prayer.[599] The Prophet ﷺ explained to his Ummah what remedial actions to take for each scenario.

"It is applicable both in obligatory and optional prayers": The Prophet performed *sujūd al-sahwu* in the obligatory prayers. In extension, it also applies to optional (*nafl)* prayers for both these prayers are not mutually exclusive. Furthermore, the Prophet ﷺ did not distinguish between these prayers when he said, "If one of you forgets in his prayer, let him make *sujūd* twice."[600]

متن **فمتى زاد فعلاً من جنس الصلاة قياماً أو قعوداً أو ركوعاً أو سجوداً عمداً بَطَلَتْ، وسهواًيسْجدُله**

A wilful additional act done during the prayer, provided that this act belongs to the prayer, like standing, sitting, bowing or prostrating will render the prayer null and void. If it is due to forgetfulness, he has to perform *sujūd al-sahwu* to expiate it.

Reasons for *sujūd al-sahwu*:

An additional act in prayer. This can be divided into two categories: (i) physical or (ii) verbal acts.

Physical acts can be further divided into acts that belong in the prayer such as standing, bowing and prostrating and acts that do not belong in the prayer. Examples are unknowingly or forgetfully speaking while in prayer, eating, drinking or walking while praying as long as they are done absent-mindedly.

Verbal additional acts are of two types: (i) additional acts condoned in prayer and (ii) those which are not condoned in prayer.

When one performs something surplus from the physical acts belonging to the prayer e.g. if he sits at a time when he should have stood, or vice versa, or if he made *sujūd* more than twice or he made an additional *ruku'*, then his prayer is still valid if these were done in forgetfulness. He has to just perform

599 Reported by al-Bukhārī (1/111), (2/85), (9/108) and Muslim (2/85) from the narration of 'Abdullah ibn Mas'ūd.

600 Reported by al-Tirmidhī (398) from the narration of 'Abdul Rahmān ibn 'Awf.

the *sujūd* as a form of expiation.

متن وإنْ زاد ركعةً فلم يَعْلَمْ حتى فرغَ منها سجد، وإنْ عَلِمَ فيها جَلَس في الحال فَتَشَهَّد إنْ لم يكن تشهَّد وسجد وسلَّم، وإن سبَّح به ثقتان فأصرَّ ولم يَجْزِم بصواب نَفْسِه بَطَلَتْ صلاتُه وصلاةُ من تَبِعَهُ عالماً، لا جاهلاً أو ناسياً ولا من فارقه

If he adds a *rakāt* and does not notice until after the prayer, he should make *sujūd*. If he realises it while still praying, he should sit for the final *tashahud* if he hasn't already read it, make *sujūd al-sahwu* and then make the *taslīm*. If two trustworthy people make *tasbīh* and the *imām*, though not confident of himself, proceeds with the prayer, it becomes invalid for him and those *ma'mūm* who followed him if they were aware of the error. This however does not apply to those who did so absent-mindedly, in forgetfulness or he who ostracised himself from the *imām*.

"If he adds a *rakāt* and does not notice until after the prayer, he should make *sujūd*. If he realises it while still praying, he should sit for the final *tashahud* if he hasn't already read it, make *sujūd al-sahwu* and then make the *taslīm*": If he prayed *fajr* for example and he stood up for the third *rakāt* or he performed an extra *rakāt* in one of the obligatory prayers, he must leave off doing it and return to the sitting position if he remembers while doing the additional act. He then expiates this mistake by performing the *sujūd al-sahwu*. If he realises only after completing the additional act, for example if he prayed the fifth *rakāt* and sat for *tashahud* or already made *taslīm*, then he should perform *sujūd al-sahwu* and this is sufficient.

However, if he persists in completing the extra act, whilst being aware of it and having knowledge of the rules of prayer, his prayer is invalid. This is due to wilfully including an additional act and in the process, distorting the prayer.

"If two trustworthy people make *tasbīh* and the *imām*, though not confident of himself, proceeds with the prayer, it becomes invalid for him and those *ma'mūm* who followed him if they were aware of the error. This however does not apply to those who did so absent-mindedly, in forgetfulness or he who ostracised himself from the *imām*": The *ma'mūm* are duty bound to alert the *imām* if he forgets. They should not keep quiet and ignore it. Men should alert him by saying, "*subhānallah*" and woman should slap the palm on the outside of the other hand.

If the *imām* hears the *tasbīh* from the men or the women's clapping, he should realise that he has stood up for an extra *rak'āh*. He should immediately return to the sitting position provided that he is not confident of himself. This is because their alert could probably be right. However, if he is confident that nothing is amiss, than he should not respond to their alert and proceed with the prayer. Confidence stems from confirmation and since this supersedes the probability (the alert from the *ma'mūm*), he should not return to the sitting position.

If he is oblivious to the fact that he prayed an extra *rak'āh*, then he is pardoned and his prayer is valid. However, he should make *sujūd al-sahwu* when he realises it. This ignorance may be due to being oblivious as mentioned or it could be due to a lack of knowledge regarding the rules of prayer. Both these excuses are valid as is the prayer. However, *sujūd al-sahwu* should be done as expiation.

The *ma'mūm* who is unaware that an additional *rakāt* is being performed should follow the *imām*. If he is aware of the *imām's* error but follows him assuming that this is the correct ruling, then he is also pardoned and his prayer is valid.

However, if the *ma'mūm* knows that he is praying an extra *rakāt* and has knowledge of Islamic law, then his prayer is nullified. He should have remained in the sitting position and not followed the *imām* in the extra *rakāt* he prayed. He should recite the *tashahud* in the sitting position and either make *taslīm* on his own or wait for the *imām* to conclude the prayer and make *taslīm* after him.

متن وعَمَلٌ مُسْتَكْثَرٌ عادةً من غيرِ جِنْسِ الصلاةِ يُبْطِلها عَمْدُه وسَهْوُه، ولا يُشْرَعُ ليسيرِه سجودٌ

If an act not belonging in the prayer is done excessively whilst one is praying, this will lead to the prayer being nullified; regardless whether it is done wilfully or in a state of forgetfulness. A minimal level of performance of this act does not require *sujūd* [as expiation].

"If an act not belonging in the prayer is done excessively whilst one is praying, this will lead to the prayer being nullified; regardless whether it is done wilfully or in a state of forgetfulness. A minimal level of performance of this act does not require *sujūd* [as expiation]": This is the second type of addition: the physical acts that do not belong in prayer e.g. walking, giving or taking some-

thing. This is permissible in prayer only if the movement is minimal. It does not tarnish the prayer and *sujūd al-sahwu* is not required.

However, if these acts are far more excessive than societal norms, prolonged and done without there being a necessity, the prayer becomes invalid. This is because it completely alters the form of the prayer. The only provision for such acts or movements is if there is a dire need for it during the prayer. The Prophet ﷺ used to move forward and backward while he prayed.[601] He ﷺ moved up and down to teach his Companions.[602] This movement is for a need. When a snake or scorpion appeared while he was praying, he would move to kill it[603] and continue with his prayer.

Thus far we have explained that acts that nullify prayer consist of the following properties: (i) The act does not belong in prayer, (ii) the act is excessive in comparison to societal norms, (iii) the act is prolonged, (iv) the act is done without a pressing need for it.

متن ولا تَبْطُل بيسير أكلٍ أو شربٍ سهواً أو جَهْلاً، ولا نفلٌ بيسيرِ شُربٍ عمداً

Forgetfully or unconsciously eating or drinking while praying will not

601 Reported by al-Bukhārī (2/82) and Muslim (3/28) from the narration of 'Aishah who said, "Once the sun eclipsed and Allah's Messenger ﷺ stood up for the prayer and recited a very long *sūrah*, then bowed for a long while and then raised his head and started reciting another *sūrah*. Then he bowed, and after finishing, he prostrated and did the same in the second *rakat* and then said, 'These (lunar and solar eclipses) are two of the signs of Allah and if you see them, pray till the eclipse is over. No doubt, while standing at this place I saw everything promised to me by Allah and I saw (Paradise) and I wanted to pluck a bunch (of grapes) therefrom, at the time when you saw me stepping forward. No doubt, I saw Hell with its different parts destroying each other when you saw me retreating and in it I saw 'Amr bin Luhai who started the tradition of freeing animals (set them free) in the name of idols.'"

Reported by Ahmad (6, 31, 183, 234) and Abu Dawūd (922) from the narration of 'Aishah who said, "I went to the Prophet's house while he was praying and the door was locked. He ﷺ walked towards it and opened it for me and returned to his position." She described that the door was in the direction of the *qiblah*..

602 Reported by al-Bukhārī (1/105-106), (2/11) and Muslim (2/74) from the narration of Sahl ibn S'ad.

603 Reported by Ahmad (2/233, 248, 255, 473, 475 and 490) and Abu Dawūd (921), al-Tirmidhī (390), al-Nasā'ī (3/10) and Ibn Mājah (1245) from the narration of Abu Hurairah that the Prophet ordered the killing of the two black things during the prayer: the scorpion and the snake.

invalidate the prayer provided that the amount is little. Drinking a small amount on purpose whilst praying an optional prayer does not invalidate it.

"Forgetfully or unconsciously eating or drinking while praying will not invalidate the prayer provided that the amount is little": The amount that is eaten or drunk should be little. Another condition would be that it is done in a state of forgetfulness and he is unaware of his action. If done wilfully during an obligatory prayer, it is nullified regardless of the amount consumed as it is an action separate from the actions of the prayer.

"Drinking a small amount on purpose whilst praying an optional prayer does not invalidate it": As for *nafl* (optional prayers), drinking a little amount is allowed. It was done by some Companions of the Prophet ﷺ because their *nafl* prayers were often prolonged. Eating on purpose however nullifies all prayers.

متن وإنْ أتى بقولٍ مشروعٍ في غيرِ موضعِه كقراءةٍ في سجودٍ وقعودٍ، وتَشَهُّدٍ في قيام، وقراءةِ سورةٍ في الأخيرتين لم تَبْطُل، ولم يَجِبْ له سجودٌ بل يُشْرَعُ. وإنْ سَلَّم قبلَ إتمامها عمْداً بَطَلَتْ

And if he says something prescribed in the *Shari'ah* at an inappropriate place such as reciting the Qur'ān in prostration or in the sitting between the prostrations, reading *tashahud* while standing or reading a *sūrah* in the last two *rak'āh*, this will not nullify the prayer. It is not mandatory to make *sujūd al-sahwu* but it is recommended. If he makes *taslīm* on purpose before the prayer is concluded, then his prayer is invalid.

Additional verbal acts in prayer are of two types: (i) Words that belong in the prayer, (ii) Words that do not belong in the prayer. Rulings will follow for both of these.

"And if he says something prescribed in the *Shari'ah* at an inappropriate place": When said absent-mindedly.

"Such as reciting the Qur'ān in prostration or in the sitting between the prostrations": Or reciting in *ruku'*. The position for Qur'ān *recitation* is whilst standing in *qiyām*.

"Reading *tashahud* while standing or reading a *sūrah* in the last two *rak'āh*": Such as reading another *sūrah* after Sūrah al-Fātihah during the second half

of the *zuhr*, *'asr*, *'ishā* prayers or the third *rakāt* of *maghrib* for example. This is done in an inappropriate position.

"This will not nullify the prayer. It is not mandatory to make *sujūd al-sahwu* but it is recommended": It is only recommended that he make *sujūd al-sahwu*.

"If he makes *taslīm* on purpose before the prayer is concluded, then his prayer is invalid": This is because the *taslīm* signifies the conclusion of the prayer and if one does so wilfully while still praying, he has left the prayer while it is incomplete.

متن وإن كان سهواً ثم ذكر قريباً أتمَّها وسَجَد، وإنْ طال الفصلُ أو تكلَّم لغيرِ مَصْلحتِها بَطَلَتْ ككلامِه في صُلْبِها، ولمصلحتِها إن كان يسيراً لم تَبْطُلْ، وقَهْقَهَةٌ كَكَلام

If he made *taslīm* forgetfully and remembers soon after, he should conclude the prayer and make *sujūd al-sahwu*. However, if there is a big time gap or he spoke about other than the issue of prayers, then the prayer he performed is invalid just as his speech in the midst of prayer invalidates it. If he speaks on the topic of the prayer and is circumspect, then his prayer is valid. Laughter is similar to speech.

"If he made *taslīm* forgetfully and remembers soon after, he should conclude the prayer and make *sujūd al-sahwu*": If his *taslīm* was made before the conclusion of prayer forgetfully, he should proceed to finish his prayer if he realises his error soon after. He makes *sujūd al-sahwu* as expiation and his prayer is valid. The Prophet ﷺ did likewise.[604] If he only realises after a long time-gap or if his ablution became invalid and he talks about other than matters related to the prayer, then he must repeat his prayer for these reasons:

Firstly: Due to the long time-gap. The Prophet ﷺ realised his error after only a brief period of time.

Secondly: Due to the ablution being invalid. It is far-fetched to resume and complete a prayer when the ablution meant for it is invalid.

604 Reported by al-Bukhārī (1/129, 183) and Muslim (2/86) from the narration of Abu Hurairah.

Thirdly: Due to talking about other than the matters related to the prayer. In the incident which serves as the precedent, the Prophet ﷺ only spoke about issues pertaining to that prayer.

"Just as his speech in the midst of prayer invalidates it": I.e. uttering words that do not belong in the prayer as Allah says: **{Stand before Allah, devoutly obedient.}**[605] We have been commanded to be silent during prayer. The Prophet ﷺ said, "Verily it is not befitting that people speak in this prayer."[606]

"If he speaks on the topic of the prayer and is circumspect, then his prayer is valid": The conditions that permit speech after having erroneously concluded an incomplete prayer is explained here. Firstly, the speech should pertain to the prayer itself, similar to the incident from the hadīth where the Prophet ﷺ and his Companions only spoke regarding his forgetfulness in the prayer. Secondly, it should be circumspect just like the brief exchange between the Prophet ﷺ and his Companions.

"Laughter is similar to speech": Laughter nullifies the prayer just like speech. Laughter is defined as a laugh that comprises at least two *harfs* (letters or syllables).

متن **وإنْ نَفَخَ أو انْتَحَبَ من غيرِ خشيةِ الله تعالى، أو تَنَحْنَحَ من غير حاجة فَبَانَ حَرْفانِ بَطَلَتْ**

If he blows or wails but not due to the fear of Allah, the Most High, or if he hems (making an exaggerated noise from the throat) without a need, the prayer is nullified if at least two *harfs* are articulated.

"If he blows": Doing so without a proper reason or need will nullify his prayer. This is because there is a possibility that a word might be articulated when one blows or wails.

"Or wails but not due to the fear of Allah, the Most High": Crying loudly due to approaching death or as a result of a calamity befalling him nullifies the prayer. It is classified as a form of speech that does not belong in the prayer. If he cries aloud due to the fear of Allah, his prayer is not nullified. The Prophet

605 Al-Baqarah: 238

606 Reported by Muslim (2/70-71), Ahmad (5/447, 448), Abu Dawūd (930) and al-Nasā'ī (3/14-17) from the narration of Mu'āwiyah ibn al-Hakim al-Salamī.

ﷺ himself used to cry in his prayer so much so that a sound would emanate from his chest that sounded like the wheezing of a kettle.[607]

"Or if he hems (making an exaggerated noise from the throat) without a need, the prayer is nullified if at least two *harfs* are articulated": This nullifies the prayer as it a kind of speech. If there is a need for example, if someone requested him permission to enter the room while he is praying, then it is permissible. The Prophet ﷺ did this when 'Alī ibn Abī Tālib requested his permission to enter while he was praying.[608]

607 Reported by Ahmad (4/25, 26), Abu Dawūd (904) and al-Nasā'ī (3/13) from the narration of 'Abdullah ibn al-Shakīr.

608 Reported by Ahmad (1/80), al-Nasā'ī (3/12) and Ibn Mājah (3708) from the narration of Alī.

فصــل
SECTION

متن

وَمَنْ تَرَكَ رُكْناً فَذَكَرَهُ بعد شُروعِه في قراءةِ ركعةٍ أُخْرى بَطَلَتْ التي تَرَكَهُ منها، وقَبْلَهُ يعودُ وجوباً فيأتي به وبما بعده، وإنْ عَلِمَ بعد السلامِ فَكَتَرْكِ ركعةٍ كاملةٍ

Whoever forgets to perform a *rukn* (pillar) and remembers afterwards when he is reciting in the next *rak'āh*, that particular *rakāt* in which an act was omitted becomes invalid. If he remembers before the recital of the next *rak'āh*, he must repeat the previous *rak'āh* and proceed with the prayer as usual. If he remembers after the *taslīm*, it is as if he missed that particular *rak'āh*.

The second reason for *sujūd al-sahwu* is the deficiency in prayer brought about by omitting a *rukn* or *wajib* act of prayer.

"Whoever forgets to perform a *rukn* (pillar) and remembers afterwards when he is reciting in the next *rak'āh*, that particular *rakāt* in which an act was omitted becomes invalid. If he remembers before the recital of the next *rak'āh*, he must repeat the previous *rak'āh* and proceed with the prayer as usual": Whoever misses a *rukn* but remembers before the commencement of the next *rak'āh*, he can repeat the previous *rak'āh* afresh and proceed with the prayer as usual. He has to perform *sujūd al-sahwu* at the conclusion of the prayer. For example, a person missed the recitation of Sūrah al-Fātihah or omitted the *ruku'* or *sujūd* and realised his mistake before these acts take place in the next *rak'āh*. He should repeat the *rakāt* in which he omitted the acts of *rukn* and the acts which follow. Having rectified the deficiencies in that *rak'āh*, he proceeds to the next *rak'āh*. If he does not repeat the deficient *rak'āh*, his prayer is nullified.

However, if he remembers his omission after the recitation in the next *rak'āh*, then he should regard the previous *rakāt* as null and replace it with the *rakāt* he is praying at the moment. He then makes *sujūd al-sahwu* for this error.

If he misses the *takbīratul ihram*, the prayer did not even commence. So he must make the *takbīr* and pray once more from the beginning.

"If he remembers after the *taslīm*, it is as if he missed that particular *rak'āh*": If he only remembers his omission of a *rukn* e.g. reciting al-Fātihah or the *ruku'* or *sujūd* after the *taslīm*, then he has to sit facing the *qiblah*. He then stands up to pray the complete *rak'āh* followed by the final *tashahud* and make *sujūd al-sahwu* before concluding with the *taslīm*.

متن وإنْ نَسِيَ التشهدَ الأولَ ونَهَضَ لزمَهُ الرُّجوعُ ما لم ينتصبْ قائماً، فإن استتمَّ قائماً كُرِهَ رجوعُه، وإنٍ لم يَنْتصبْ قائماً لزمه الرجوعُ وإنْ شرعَ في القراءة حَرُمَ الرجوعُ وعليه السجودُ لِلكُلِّ

If he forgets to read the first *tashahud* and stands up for the third *rak'āh*, he should return to the sitting position if he had only raised himself up a little. Once he has stood completely, returning to the sitting position is disliked. If he has already started reciting in the third *rak'āh*, it is prohibited for him to return to the sitting position. He should make *sujūd al-sahwu* in all of the aforesaid scenarios.

This is the second type of deficiency in prayers, that is, omitting a mandatory act of prayer.

"If he forgets to read the first *tashahud* and stands up for the third *rak'āh*": This is from the examples of a mandatory act being missed. There are three scenarios and rulings when this happens:

<u>Firstly</u>: When it is mandatory to return to the sitting position. This is the case only if he has stood up a little. He must sit again and recite the first *tashahud*. Since he was only starting to shift to another *rukn* of the prayer, there is a provision to return to the former position. He has to make *sujūd al-sahwu* after the *taslīm*.

Secondly: When it is disliked to return to the sitting position. If he has stood up completely but has yet to recite in the third *rak'āh*, it is disliked that he return to the sitting position. He should proceed with the prayer as usual and make expiation for the missed *tashahud* with *sujūd al-sahwu*. Returning to the sitting position will not render the prayer invalid though. It is only disliked as he should not forego a *rukn* i.e. *qiyām* (standing) for a mandatory act i.e. the first *tashahud.*

Thirdly: When it is prohibited to return to the sitting position. If he has begun reciting al-Fātihah in the third *rak'āh*, it is *haram* for him to return to the sitting position as he has began a *rukn*. To leave a *rukn* to perform a *wajib* act is not allowed. However, if he did so due to ignorance, his prayer is valid. He should expiate his omission with *sujūd al-sahwu* after *taslīm*.

"He should make *sujūd al-sahwu* in all of the aforesaid scenarios": The three scenarios being: (i) he remembers his error before standing up completely, (ii) after standing up completely, (iii) and remembering only after he commences his recitation in the third *rak'āh*. He makes *sujūd al-sahwu* in all three instances.

متن

ومن شَكَّ في عَددِ الرَّكعاتِ أخذَ بالأقلِّ، وإنْ شَكَّ في تركِ رُكنٍ فكَتَرْكِهِ ولا يسجدُ لشكِّه في تَرْكِ واجبٍ أو زيادةٍ

Whoever is doubtful about the number of *rakāt* should gravitate to the lesser number. If he is in doubt as to whether he missed a *rukn*, then he should assume that it was omitted. He should not make *sujūd al-sahwu* when he has doubt that he missed a mandatory act or for an extra act.

Doubt is the third reason for *sujūd al-sahwu*. *Shak* (doubt) is defined as the inability to decide between two things whilst being impartial to both.[609]

Types of *shak*:

First: Doubt in the number of *rakāt* he has performed. Was it three or four?

Second: Doubt if a *rukn* was omitted e.g. omitting al-Fātihah, *ruku'* or *sujūd*.

609 See *al-Waraqāt* (p. 16), *al-Ta'rīfāt* (p. 168) and *Irshād al-Fuhūl* (p. 5).

Third: Doubt as to whether a *wajib* act was omitted.

These are the types of doubt that one can have in the prayer. Each type has its own ruling.

"Whoever is doubtful about the number of *rakāt* should gravitate to the lesser number": And base his prayer on the lesser number and proceed to perform the rest of the *rak'āhs*. If he is in doubt whether it was three *rakāt* that he prayed or four, he should choose three. He then makes expiation for this doubt by making *sujūd al-sahwu*. Having doubt whether an act was accomplished is tantamount to non-accomplishment. One must rely on full confidence (*yaqīn*) in these matters.

If he is unsure if he read Sūrah al-Fātihah, he should read it again. Similarly, if he is in doubt as to whether he made the *ruku'* or *sujūd* (i.e. pillars), he should repeat it. One cannot have fulfilled an obligation except with *yaqīn* or full confidence that it was done. This remedial action is taken if he is still praying.

If he is unsure if a mandatory (*wajib*) act was done, for example reading the first *tashahud* or saying, "*Subhāna rabī al-'azīm*" during *ruku'* or, "*Subhana rabī al-a'lā*" during *sajda*, there is no remedial action or expiation for it.

If what he is in doubt about doing is a Sunnah act, for example reciting the *sūrah* after al-Fātihah or he cannot remember if he read *al-istiftah*, *ta'awwudh* or the *basmalah*, this doubt neither tarnishes his prayer nor does it diminish its rewards.

"If he is in doubt as to whether he missed a *rukn*, then he should assume that it was omitted": He should then perform a substitute and then make *sujūd al-sahwu* as expiation.

"... Or for an extra act": *Sujūd al-sahwu* is not required if he has doubts whether he did an extra act in his prayer. A question like, "Did I pray five *rakāt* or not?" Such doubts do not adversely affect his prayer. An expiation is only required if he has *yaqīn* that an extra act was performed. The basic assumption always is that an extra act was not performed.

We can summarise that doubt is of four or five types:

First: Doubt if a *rakāt* was omitted or the number of *rakāt* performed. He relies on the *yaqīn* and takes remedial action based on what he is confident about.

Second: Doubt if a *rukn* of the prayer was omitted. He has to repeat it to remove all doubt. *Sujūd al-sahwu* is required.

Third: Doubt if a mandatory act of prayer was omitted. This does not adversely affect his prayer. No remedial action is required.

Fourth: Doubt if a Sunnah act of prayer was omitted. This does not adversely affect his prayer. No remedial action is required.

Fifth: Doubt if an extra act was performed in the prayer. This does not adversely affect his prayer. No remedial action is required.

It is evident that the first two points contain situations where doubt adversely affects the prayer. The other three instances are situations that do not have any impact on the prayer.

متن

ولا سُجُودَ على مأموم إلا تبعاً لإمامِهِ، وسجودُ السَّهْوِ لما يُبْطِلُ عَمْدُه واجبٌ، وتَبْطُلُ بتركِ سجودٍ أفضليتُه قبلَ السّلامِ فقطْ، وإنْ نسيه وسلَّمَ سجدَ إن قَرُبَ زمنُه، ومن سها مراراً كفاه سجدتان

There is no *sujūd al-sahwu* for the *ma'mūm* unless the *imām* performs it. *Sujūd al-sahwu* is mandatory for any act that nullifies the prayer (when it is done wilfully). If he leaves off the *sujūd al-sahwu* that is preferred to be performed before the *taslīm*, his prayer is not valid. If he forgets to make the *taslīm* before the *sujūd*, he can do so after the *taslīm* if the time-gap is brief. Those who omit an act more than once only need to prostrate twice.

"There is no *sujūd al-sahwu* for the *ma'mūm* unless the *imām* performs it": If the *imām* makes a mistake in the prayer that makes expiation mandatory, it becomes mandatory upon him and likewise for the *ma'mūm* to perform the *sujūd al-sahwu*. The *ma'mūm* makes this *sujūd* even if he has not made a mistake in the prayer. They must replicate what the *imām* does, as was the instruction

of the Prophet ﷺ who said, "Verily the *imām* is to be followed."[610] However, if the *ma'mūm* does make a mistake, he does not make *sujūd al-sahwu* as long as he is following an *imām* from the beginning of the prayer. The *imām* bears responsibility for any deficiencies that arise from the *ma'mūm.*

To summarise, the *ma'mūm* must make *sujūd al-sahwu* in four situations:

First: With the congregation. He makes *sujūd* when the *imām* does so.

Second: When he joins the congregation late (*masbuq*). He makes *sujūd* by himself for any error he makes in his prayer. The *imām* does not bear responsibility for errors made by a *masbuq*.

Third: When he parts with the *imām* i.e. if he leaves the congregation and continues to pray individually, he makes *sujūd al-sahwu* for the mistakes he makes in his prayer.

Fourth: When the *imām* makes a mistake which requires a mandatory expiation but is oblivious to it. In this case the *ma'mūm* has to do *sujūd al-sahwu* if he realises the mistake even though the *imām* does not.

"*Sujūd al-sahwu* is mandatory for any act that nullifies the prayer (when it is done wilfully)": *Sujūd al-sahwu* can be *mustahab* and *wajib* in different cases. An example of an instance where it becomes *wajib* is when an extra *rak'āh* has been prayed as this is something that nullifies one's prayer when done on purpose. However, if someone does so in a state of forgetfulness, the prayer is not nullified. Nevertheless, *sujūd al-sahwu* becomes mandatory in this case. The Prophet ﷺ instructed, "If any of you forgets an act in prayer, let him make *sujūd* twice."[611]

"If he leaves off the *sujūd al-sahwu* that is preferred to be performed before the *taslīm*, his prayer is not valid": *Sujūd al-sahwu* can be made before or after the *taslīm*. If there was an act omitted, for example when the first *tashahud*, *tasbih* of *ruku'* and *sujūd* are omitted, it is best to make *sujūd al-sahwu* before the *taslīm*. This is because it rectifies the shortcomings in the prayer and one

610 Reported by al-Bukhārī (1/176), (2/59, 98) and Muslim (2/19) from the narration of 'Aishah.

611 Reported by al-Tirmidhī (398) from the narration of 'Abdul Rahmān ibn 'Awf.

makes *taslīm* assured that all is well.

Examples of additional acts are: *taslīm* is mistakenly made before the proper conclusion of the prayer, a fifth *rakāt* is prayed forgetfully and if an extra *ruku'* or *sujūd* is performed. In these cases, he makes the *sujūd al-sahwu* after *taslīm* for its purpose is not to rectify shortcomings in the prayer. It rather serves to humiliate Shaytān as informed by Prophet ﷺ.[612]

What we have mentioned regarding performing the *sujūd* before and after the *taslīm* refers to the best option. However, it is not detrimental to the person if he makes *sujūd al-sahwu* before or after the *taslīm*. Both are permissible as demonstrated by the Prophet ﷺ.

If he leaves off the *sujūd al-sahwu* which is preferred to be performed before the *taslīm* i.e. which is an expiation for omissions in the prayer, his prayer is nullified as it had shortcomings that were not rectified.

"If he forgets to make the *taslīm* before the *sujūd*, he can do so after the *taslīm* if the time-gap is brief": The important point to note here is the short time between the conclusion of prayer and his realisation.

"Those who omit an act more than once only need to prostrate twice": If he omits a few acts in a prayer, the two prostrations that comprise *sujūd al-sahwu* will suffice. He need not make a *sujūd al-sahwu* for each omission separately as they all fell within one prayer.

612 Reported by Muslim (2/84) from the narration of Abu Sa'īd al-Khudrī.

باب صلاة التطوع

CHAPTER: TATAWU' (SUPEREROGATORY) PRAYER

"*Tatawu*' (supererogatory) prayer": The author proceeds to explain the rules pertaining to supererogatory prayer after having explained the rules for obligatory prayer.

"*Tatawu*": This linguistically means: doing something obedient.[613] The technical definition is: performing worship that is non-mandatory.[614]

It can be said that *ibādah* (worship) is mandatory. However, some of these acts of worship extend to include optional worship akin to the mandatory ones. For example prayer which includes *nafl* prayers that are an extension of the obligatory prayers. Similarly, *zakah*, fasting, Hajj are all *wajib*. Extensions of these acts of worship which are encouraged fall under the category of *tatawu*'.

The wisdom for such forms of worship is to attain more good. Furthermore, supererogatory acts serve to fill the deficiencies that may occur in obligatory acts to avoid these deficiencies leading to a decrease in good deeds on the Day of Judgement.[615] Therefore, everyone is encouraged to perform *nawafil* (su-

613 See *al-Sihāh* (3/1255).

614 See *al-Mut'la* (p. 91) and *al-Dar al-Naqī* (1/123).

615 Reported by al-Tirmidhī (413) and al-Nasā'ī (1/232) from the narration of Harīth ibn Qubaysah who said, "I arrived in al-Madinah and said, 'O Allah, make it easy for me to find a righteous companion.' Then I sat with Abu Hurairah and said, 'I prayed to Allah to help me find a righteous companion.' So tell me a hadith that you heard from the Messenger of Allah ﷺ, so that Allah might benefit me from it. He said, 'I heard the Messenger of Allah ﷺ say, 'The first thing for which a person will be brought to account will be his *salāh*. If it is sound then he will

pererogatory acts) so that their obligatory acts of worship may be presented in their complete form on the day all deeds will be accounted.

Man should not tell himself that obligatory acts of worship are sufficient for him. Does he know if these acts were performed to the fullest? Does he not fear that they may fall short of what is expected from him? Man is prone to shortcomings and so should not be lackadaisical towards performing *nawafil* acts. On the contrary, he should do more *nawafil* for it raises his status.

Even if it is decreed that the obligatory acts he performed are all complete, he still stands needy of much goodness. In a hadīth *qudsi*, Allah says, "My servant does not draw close to Me except by that which is beloved to Me of acts that I have made obligatory to him. My servant keeps drawing close to me by doing supererogatory acts until I love him. If I love him, I shall be his hearing with which he hears, his sight with which he sees, hands with which he strikes and legs with which he walks. If he asks Me, I will surely give him and if he seeks refuge in Me, I will surely protect him."[616]

Nawafil acts bring about the love of Allah ﷻ for His slaves. Allah loves that His slaves draw close to Him through performing *nawafil* acts which supplement the obligatory acts. The scholars dispute regarding the best supererogatory act that is second only to obligatory acts of worship. The scholars of the Hanbalī *madhab* say it is the supererogatory prayers[617] while others say it is fighting in the path of Allah.[618] The latter base their choice on the following ayahs: **{Not equal are those believers remaining [at home] - other than the disabled - and the *mujāhidīn*, [who strive and fight] in the cause of Allah with their wealth and their lives. Allah has preferred the *mujāhidīn* through their wealth and their lives over those who remain [behind], by degrees. And to both Allah has promised the best [reward]. But Allah has preferred the *mujāhidīn* over those who remain [behind] with a great reward - degrees**

---

have succeeded, be salvaged, but if it is not then he will have lost and be doomed." [One of the narrators] Hammam said, 'I do not know whether this was the words of Qatādah or part of the report.' 'If anything is lacking from his obligatory prayers, He will say, 'Look and see whether My slave has any voluntary prayers to make up for what is deficient from his obligatory prayers.' Then all of his deeds will be dealt with in like manner.'"

616 Reported by al-Bukhārī (8/131) from the narration of Abu Hurairah.

617 See *al-Insāf* (2/161).

618 Ibid.

[of high position] from Him and forgiveness and mercy. And Allah is ever Forgiving and Merciful.}[619] And the hadīth, "The head of the matter is Islam, and its pillar is the prayer, and its peak is *jihād* in the path of Allah."[620]

Some of the scholars claim that the best supererogatory act is seeking knowledge[621] as it is mentioned in a hadīth: "The superiority of a scholar over a worshipper is like the superiority of the moon over the rest of the stars."[622] And in another hadīth, "... Like my superiority over the least in status among you."[623]

Hence the best of deeds after the obligatory acts of worship is the act of seeking knowledge. The seeker of knowledge benefits his self and others as well. Furthermore, his benefits are multi-fold. As for the worshipper, he benefits none but himself. Surely there is merit in being a worshipper but the merits remain with him and are not shared with anyone else. For this reason, it is said that seeking knowledge is the best of deeds which draws one closer to Allah and is second only to the obligatory acts. To sit in a class and learn the issues of jurisprudence (*fiqh*) is better than standing the whole night in prayer. Certainly the night prayer is rewarding, however the rewards are restricted to you. He who learns the intricacies of Islamic matters shall benefit himself as well as others.[624]

متن آكَدُها كسوفٌ ثم استسقاءٌ ثم تـراويحٌ، ثم وترٌ يُفْعَلُ بين العشاءِ والفجرِ، وأقلُّه ركعةٌ، وأكثرُه إحدى عشرةَ مَثْنى مَثْنى، ويوتر بواحدةٍ

The best of *tatawu'* prayers is the eclipse prayer followed by the prayer seeking rain, then *tarāwīh* prayer and finally *witr* prayer which is performed between the *'ishā* and *fajr* prayers. The least one can pray [in *witr*] is one *rakāt*

619 Al-Nisā: 95-96

620 Reported by Ahmad (5/231), al-Tirmidhī (2616) and Ibn Mājah (3973) from the narration of Mu'ādh ibn Jabal.

621 See *Jāmi' Bayān al-'Ilm* by Ibn 'Abdul Bar (1/149-154).

622 Reported by Ahmad (5/196), Abu Dawūd (3641), al-Tirmidhī (2682) and Ibn Mājah (223) from the narration of Abu al-Dardā.

623 Reported by al-Tirmidhī (2685) from the narration of Abu Umamah al-Bāhilī.

624 See *Majmū' al-Fatāwā* by Shaykh al-Islam ibn Taymiyyah (28/231), Ahmad ibn Hanbal was asked, "Is a man who fasts, prays and makes *itikāf* dearer to you or a man who speaks against the people of innovation?" He replied, "If he fasts, prays and make *itikāf*, he benefits only himself. He who speaks against the innovators verily is benefitting all Muslims. The latter is superior."

and the most is eleven *rakāt*; praying two units at a time and concluding with one *rak'āh* of *witr*.

"The best of *tatawu'* prayers is": The Sunnah prayers that are recommended to be prayed in a congregation are the best *tatawu'* prayers, such as the eclipse prayer, *tarāwīh* prayer and prayer seeking rain. Following them are the prayers that are not prayed congregationally (i.e. not normally recommended to be done so). The best of them is *witr* prayer, then *tahajjud*, then the *rawatib* prayers prayed before and after obligatory prayers and lastly, the *duha* prayer.

"Followed by the prayer seeking rain": The prayer seeking rain comes second in importance after the eclipse prayer. This prayer is significant as there is an open display of weakness and humility where the individual acknowledges to Allah that he is needy and thus pleads to Him with copious invocations. This prayer is done in a congregation as it benefits all Muslims.

"Then *tarāwīh* prayer": Prayed during the month of Ramadān. It is more significant because it is prayed in congregation.

"And finally *witr* prayer": The fourth type of *tatawu'* prayer. It is prayed at night which we shall discuss in the appropriate place.

"Which is performed between *'ishā* and *fajr* prayers": The timing for *witr* is between *'ishā* and *fajr* prayers as mentioned in the hadīth: the Prophet ﷺ used to perform *witr* every night either in the early, middle or latter part of the night.[625] *Witr* prayer can be prayed at any time during the night. Its time starts immediately after *'ishā* prayer is performed until the break of commencement of *fajr*. *Witr* can start earlier for he who combines *maghrib* and *'ishā* at *maghrib* time. If these two prayers are not combined, *witr* starts after *'ishā* prayer is performed.

"The least one can pray [in *witr*] is one *rakāt*": As the Prophet ﷺ said, "*Witr* is one *rakāt* at the end of the night."[626] This hadīth was narrated by ten Companions of the Prophet. If one prays a single unit of *witr*, it will suffice. However, praying three *rakāt* of *witr* is the lowest number that brings forth perfection.

625 Reported by al-Bukhārī (2/31) and Muslim (2/168) from the narration of 'Aishah.

626 Reported by Muslim (2/173), Ahmad (1/311, 361) from the narration of Ibn 'Umar.

"And the most is eleven *rakāt*": This was the practice of the Prophet ﷺ. He used to pray eleven *rakāt* in Ramadān and other months.[627] In another hadīth, it mentions that he prayed thirteen *rak'āh*.[628]

"Praying two units at a time": I.e. to make the *taslīm* after each two units.

"And concluding with one *rak'āh* of *witr*": He prays ten *rakāt* which comprises five *taslīm* followed by one unit as a conclusion. The Prophet ﷺ said, "The night prayer is performed as two *rakāt* and then two *rakāt*."[629]

متن

وإن أوترَ بخمسٍ أوسبعٍ لم يجلسْ إلا فِي آخرها، وبتسع يجلسُ عَقِبَ الثامنةِ ويَتشهَّدُ ولا يُسَلِّم ثم يُصلِّي التاسعَةَ ويتشهَّدُ ويسلِّمُ، وأدنى الكمالِ ثلاث ركعاتٍ بسَلامَيْنِ يَقْرأُ فِي الأولى بِسَبِّح وفِي الثانية بالكافرون وفِي الثالثةِ بالإخلاصِ

If he prays five *rakāt* or seven, he should sit only in the last one. If he prays nine *rakāt*, he should sit on the eighth *rakāt* making *tashahud* but not the *taslīm*. Then he should stand and pray the ninth *rakāt* along with the *tashahud* and *taslīm*. Minimal completion is attained with three *rakāt* with two *taslīm*. He reads Sūrah al-A'lā in the first *rakāt* followed by Sūrah al-Kāfirūn in the second. Al-Ikhlās is read in the third *rakāt*.

"If he prays five *rakāt* or seven, he should sit only in the last one. If he prays nine *rakāt*, he should sit on the eighth *rakāt* making *tashahud* but not the *taslīm*. Then he should stand and pray the ninth *rakāt* along with the *tashahud* and *taslīm*": If he prays five, seven or nine *rak'āhs*, its best that he makes *taslīm* after every two *rak'āhs*. This is according to what the Prophet ﷺ advised, "Night prayer is performed in units of two"[630] He can choose to pray all the *rakāt* together and end with a single *taslīm*. If he prays nine *rak'āhs*, he prays eight units and sits for the *tashahud* without making the *taslīm*, then he stands and adds the ninth *rak'āh*.

Though this is method is permissible, the earlier method where the prayer is

627 Reported by al-Bukhārī (2/66), (3/59), (4/231) and Muslim (2/166) from the narration of 'Aishah.

628 Reported by al-Bukhārī (2/64) and Muslim (2/183) from the narration of Ibn 'Abbās.

629 Reported by al-Bukhārī (2/30) and Muslim (2/171) from the narration of Ibn 'Umar.

630 Reported by al-Bukhārī (2/30) and Muslim (2/171) from the narration of Ibn 'Umar.

in batches of two *rak'āhs* followed by one *rakāt* of *witr* is the best. This is in accordance with the above-mentioned hadīth.

"Minimal completion is attained with three *rakāt* with two *taslīm*": I.e. praying two *rak'āhs* with *taslīm* at the end followed by a single *rak'āh*. He can choose to pray three *rak'āhs* in continuation without sitting down in between. However to pray as described above is best. The first two *rak'āhs* are known as "*al-shafa*'" and the last *rakāt* is known as "*witr*".

"He reads Sūrah al-A'lā in the first *rakāt*": He reads this *sūrah* in the first *rakāt* of *al-shafa'*. This is best as this *sūrah* contains *ayāt* that exalt Allah and reiterate His loftiness. The *ayāt* make mention of Allah's Might in creating all of the creation, Him elevating the status of the Prophet ﷺ by teaching him the Qur'ān and ingraining it into him, **{We will make you recite, [O Muhammad], and you will not forget, except what Allah should will. Indeed, He knows what is declared and what is hidden.}**[631] It also mentions that whoever purifies himself, remembers the name of his Creator and performs his prayer will succeed. Then it warns mankind not to favour this worldly life over the next. Allah concludes by saying that all of this was also mentioned in the scriptures of Prophet Ibrāhīm and Mūsa, **{Indeed, this is in the former scriptures, the scriptures of Ibrāhīm and Mūsa.}**[632]

Such content makes this *sūrah* more significant that the others. Hence, it is recommended to read this *sūrah* in the first *rakāt* of *al-shafa'*.

"Followed by Sūrah al-Kāfirūn in the second": This *sūrah* highlights that Muslims differ from the disbelievers in their worship of Allah: **{I do not worship what you worship. Nor are you worshippers of what I worship.}**[633]

"Al-Ikhlās is read in the third *rakāt*": This *sūrah* is unique in the sense that it discusses the oneness of the Creator and His names and attributes. This is "*tawhīd al-khabari*" or the oneness of Allah, which is knowledge based. Sūrah al-Kāfirūn speaks about the practicality of *tawhīd* (oneness of Allah). This *sūrah* is called al-Ikhlās as it purifies *tawhīd*. It is equivalent to a third of the

631 Al-A'lā: 6-7

632 Al-A'lā: 18-19

633 Al-Kāfirūn: 2-3

whole Qur'ān while Sūrah al-Kāfirūn is equivalent to a fourth of it. These two *sūrahs* are worthy of such merit because they contain the three categories of *tawḥīd*, that is *tawḥīd al-'ibādah* (oneness of Allah by way of deeds and acts of worship) and *tawḥīd al-rubūbīyyah wa al-asmā wa al-siffāt* (professing that Allah is the only Creator with names and attributes befitting only Him). They also manifest *tawḥid* in its practical form (*'amali*) and knowledge based form (*khabari*).

متن ويَقْنُتُ فيها بعدَ الركوع، فيقول: اللهم اهدني فيمن هديتَ، وعافني فيمنْ عافيت، وتولَّني فيمنْ تولَّيتَ، وبارِكْ لي فيما أعطيتَ، وقني شَرَّ ما قَضَيْتَ، إنك تَقْضِي ولا يُقْضَى عليك، إنه لا يَذِلُّ مَنْ واليتَ ولا يَعِزُّ من عاديتَ، تباركتَ ربنا وتعاليتَ

***Qunut* is performed after *ruku'* saying, "*Allahumma ihdinī fīman hadayta, wa 'āfinī fīman 'āfayta, watawallinī fīman tawallayta, wabāriklī fīmā a'tayta, waqinī sharra ma qadhayta, innaka taqdī wa lā yuqdā 'alayka. Innahu lā yudhillu man wālayta wa lā yu'izzu man 'ādayta, tabārakta rabbana wa ta'alayta.*"**

"*Qunut* is performed after *ruku'*": To perform *qunut* is to make supplication after performing *ruku'* as was shown by the Prophet ﷺ.[634] Performing *qunut* in the *witr* prayer is recommended though the *witr* prayer is valid without *qunut*. *Witr* is Sunnah *mu'akkadah* (Sunnah that is strongly encouraged) and which the Prophet ﷺ greatly urged the Muslims to do. He said, "Verily Allah is *witr* (i.e. one) and loves *witr*. So perform *witr* prayer O people of the Qur'ān!"[635] He ﷺ also said, "*Al-witr* is *haqq* (truth)."[636] And there are many more ahadīth on the *witr* prayer.

It is Sunnah *mu'akkadah* by consensus of the majority of scholars. Imām Abū Hanīfah claimed that it was mandatory.[637] Shaykh al-Islam preferred the view that it is mandatory upon those who get up for the night prayer.[638] He should make *witr* the last prayer for the night as the Prophet ﷺ said, "Make *witr* the

634 Reported by al-Bukhārī (5/134) and Muslim (2/135-136) from the narration of Anas.

635 Reported by Ahmad (1/143-145), Abu Dawūd (1416). al-Tirmidhī (453), al-Nasā'ī (3/228) and Ibn Mājah (1169) from the narration of 'Alī ibn Abī Tālib.

636 Reported by Abu Dawūd (1422), al-Nasā'ī (3/238) and Ibn Mājah (1190) from the narration of Abu Ayūb al-Ansāri.

637 See *al-Mughnī* (2/591).

638 See *al-Ikhtiyārāt al-Fiqhiyyah* (p. 64).

last of your night prayers."[639] The Prophet never missed the *witr* prayer, even when he was on a journey. This is a testament to its importance though some people in present times are lackadaisical towards praying *witr*.

Whoever is confident of getting up at night for his prayers should make *witr* his last prayer. However, if one is not confident, then he should pray *witr* early in the night. The Prophet ﷺ ordered Abū Hurairah to perform the *witr* prayer before going to bed.[640]

The *du'ā* of *qunūt* is mentioned in the hadīth of al-Hasan ibn 'Alī where it is stated that the Prophet taught him this.[641] Muslims are recommended to invoke with this *du'ā*.

"*Allahumma ihdinī fīman hadayta*": Meaning, "O Allah! Guide me with those whom You have guided." There are two types of guidance. Guidance can be by way of leading and directing. Another type is spiritual and inspired guidance. This *du'ā* encompasses both types of guidance.

"*Wa 'āfinī fīman 'āfayta*": Which means, "And strengthen me with those whom You have given strength." I.e. strengthen me from illness, frailty and sorrow. The greatest protection would be the strength to tide over all tribulations of this worldly life. The trials of base desires and *fitnah* (sedition and strife) caused by things unapparent. Having an upper hand over these trials is the supreme salvation.

"*Watawallinī fīman tawallayta*": Meaning, "And care for me with those whom You have taken care of." Care for me by guiding me to the right path and look over me. Whoever Allah takes care of, he shall not fear anymore. Allah says: **{Allah is the ally of those who believe. He brings them out from darknesses into the light. And those who disbelieve - their allies are *tāghūt*. They take them out of the light into darknesses.}**[642] He shall be the happiest person in

639 Reported by al-Bukhārī (2/31) and Muslim (2/173) from the narration of 'Abdullah ibn 'Amr.

640 Reported by al-Bukhārī (2/73), (3/53) and Muslim (2/158) from the narration of Abu Hurairah.

641 Reported by Ahmad (1/199), Abu Dawūd (1425), al-Tirmidhī (464), al-Nasā'ī (3/248) and Ibn Mājah (1178).

642 Al-Baqarah: 257

this world and in the hereafter.

"*Wabāriklī fīmā a'tayta*": Which means "Bless me in what You have given me." I.e. increase it and purify it from all blemishes. Some might have less money but when Allah blesses it, there is much goodness derived from it. The owners enjoy abundant happiness as a result in this world and in the hereafter. Some others might possess more, but they are always miserable and their wealth brings them only retribution for it is deprived of Allah's blessings. The owners shall not benefit from their possessions both in this world and the next. He will toil and suffer to amass wealth but his effort is in vain for there is no pleasurable outcome.

"*Waqinī sharra ma qadhayta*": Meaning, "Protect me from the evil that You have ordained." It is Allah who ordains good and bad. You ask Allah that he ordains for you good and not the bad. He does ordain bad for some people because of their evil deeds. Allah says: **{As for he who gives and fears Allah, and believes in the best [reward], We will ease him toward ease. But as for he who withholds and considers himself free of need and denies the best [reward], We will ease him toward difficulty.}**[643]

"*Innaka taqdī wa lā yuqdā 'alayka*": Meaning, "Verily You command and are not commanded." This is a confirmation that none can challenge what Allah decrees. None can censure his rule. None can oppose his judgement. Hence, you ask Allah for a favourable judgment and a goodly decree acknowledging whole-heartedly that none can challenge His decree.

"*Innahu lā yudhillu man wālayta*": Which means "He who You care for shall not be humiliated." On the contrary, he who Allah takes care of will be highly respected and honoured. None can harm him.

"*Wa lā yu'izzu man 'ādayta*": "And none whom You have taken as an enemy shall taste glory." This is in total contrast to the one whom Allah cares for. None can give him honour. Allah says: **{And he whom Allah humiliates - for him there is no bestower of honour.}**[644]

"*Tabārakta rabbana wa ta'alayta*": Meaning, "You are blessed. Our Lord the

643 Al-Layl: 5-10

644 Al-Hajj: 18

exalted." A reiteration of the blessings of Allah. He is blessed as are His names and attributes. He who remembers Allah much shall receive His blessings.

متن

اللهم إنِّي أعوذُ برِضاك من سَخَطِك، وبِمُعافاتِكَ من عُقوبتِك، وبكَ مِنْكَ، لا أحْصِي ثناءً عليكَ، أنتَ كما أثنيتَ على نفسِك ، اللهمَّ صلِّ على محمدٍ وآلِ محمدٍ ويَمْسحُ وجهَهُ بيديه

***Allahumma innī a'ūdhu biridāka min sakhatik, wa bi'afwika min 'uqūbatika wabika minka lā tuhsī thannan 'alayka. Anta kamā athnayta 'ala nafsika. Allahumma salli 'alā Muhammadin wa 'alā āli Muhammad,*" and then he wipes his face with his hands.**

"*Allahumma innī a'ūdhu biridāka min sakhatik*": "O Allah! Verily I seek refuge with Your pleasure from Your anger." Two attributes of Allah are mentioned: the pleasure and anger of Allah. You are seeking refuge with His pleasure from His anger.

"*Wa bi'afwika min 'uqūbatika*": "And in Your forgiveness from Your punishment." Another two attributes of Allah. You seek His forgiveness and seek refuge from His punishment.

"*Wabika minka*": "I seek refuge in You from You." If Allah wants to afflict someone with harm, then none can restrain it. He says in the Qur'ān: **{And when Allah intends for a people ill, there is no repelling it. And there is not for them besides Him any patron.}**[645] None can protect you from Allah except He, the Most High and Dignified, His self.

"*Lā nuhsī thanna'an 'alayka*": "I cannot count Your praises." This is an affirmation that none; not the Messenger of Allah or anyone else can count the praises of Allah. This is because the bounties of Allah are so vast. He says: **{And if you should count the favours of Allah, you could not enumerate them.}**[646] None can show Allah the gratitude that He rightfully deserves for the servant is deficient whereas the bounties Allah bestowed to him are countless. We affirm our inability to praise Allah with the amount of praise that befits Him.

645 Al-Ra'd: 11

646 Al-Nahl: 18

"*Anta kamā athnayta 'ala nafsika*": "You are as You have praised Yourself." We surrender the affair to Allah as only He can praise himself for His deficient servant does not have the capacity to praise Allah to the fullest.

"*Allahumma salli 'alā Muhammadin*": "O Allah! Bestow Your favour upon Muhammad." This *du'ā* comes to a conclusion with salutations to the Prophet ﷺ as this is one way to enhance its acceptance.

"*Wa 'alā āli Muhammad*": "And upon the family of Muhammad." This refers to his followers in general. However, when the family of Muhammad is mentioned pertaining to *zakah*, it refers to his relatives who were Muslims.[647]

"And then he wipes his face with his hands": Once the *du'ā* is concluded. The act of wiping the face with the hands after *du'ā* is mentioned in a few ahadīth.[648] However, these ahadīth are all weak and cannot be used as evidence. It is better not to wipe the face with the hands after *du'ā* for there are no authentic proofs to justify it. However, one should not rebuke he who does wipe his face with the hands after *du'ā* for it was mentioned in some ahadīth even though they are weak.[649]

متن

وَيُكْرَه قنوتُه في غيرِ الوترِ، إلا أن تنزلَ بالمسلمينَ نازلةٌ غير الطاعونِ، فَيَقْنُتُ الإمامُ في الفرائض

***Qunūt* performed in other than the *witr* prayer is disliked except when the Muslims have been afflicted with a calamity except plague. The *imām* can make *qunūt* in all the obligatory prayers.**

"*Qunūt* performed in other than the *witr* prayer is disliked": *Qunūt* is not ordained for other prayers besides the *witr* prayer.

"Except when the Muslims have been afflicted with a calamity except plague": The plague is an exception. To read *qunūt* in the obligatory prayers over a prolonged period of time is an innovation. It was not practiced by the Prophet

647 See *Jalā al-Afhām* by Ibn al-Qayyim (164).

648 An example would be a hadīth reported by al-Tirmidhī (3386) from the narration of 'Umar ibn al-Khattāb.

649 See *Tuhfat al-Ahwadhi* by al-Mubārakpūrī (9/232) and *al-Insāf* (2/172-173).

ﷺ or his Companions. If it was a practice, surely it would have been recorded. There is also no evidence that the Prophet ﷺ was regular in performing the *qunūt* in the *fajr* prayer. He only did so for a specific reason. The disbelievers from the Quraysh were suppressing the Muslims in Makkah and were preventing them from migrating to Madīnah. The Prophet ﷺ made *qunūt* invoking Allah to aid the weak Muslims who were being held back from *hijrah*.[650] On another occasion, he ﷺ invoked against the polytheists who killed a group of his Companions.[651] However, he did not do this permanently. This proves that he did *qunūt* on a temporary basis and only when a calamity befell the Muslims.

Performing the *qunūt* in such a manner is a judgement of the *imām*. If he sees that *qunūt* is appropriate during the *fajr* prayer, he does so and the Muslims shall follow. This was the example of the Prophet ﷺ. Those praying behind him made *qunūt* along with him. However, making it a mainstay of the prayer is an innovation for there are no authentic ahadīth for its implementation. The majority of the scholars are of this view.[652] It is mandatory upon us to follow the Sunnah and shun bigotry to any particular school of thought or an opinion. Any view or opinion can be dismissed except that of the Messenger of Allah ﷺ.

If a calamity befalls the Muslims which requires invocation, then the *imām* makes *qunūt* for every obligatory prayer, and not just the *fajr* prayer. This is repeated until such a time that Allah relieves the Muslims of the calamity.

Qunūt is not performed when plague afflicts the Muslims. This is because

650 Reported by al-Bukhārī (6/47-48) and Muslim (2/134-135) from the hadīth of Abu Hurairah who said, "The Prophet ﷺ would pray the *qunūt* after *rukū* for a month, he would say after *sami allahu liman hamidah*, 'Allah hears him who sends his praises to Him,' and then said before falling in prostration, 'O Allah, save 'Aiyash ibn Rabi'a. O Allah, save Salama ibn Hisham. O Allah, save al-Walid ibn al-Wahd. O Allah, save the weak ones among the believers. O Allah, let Your punishment be severe on the tribe of Mudar. O Allah, inflict upon them years (of famine) like the years of Joseph.'" Abu Hurairah said, "Then I observed that the Messenger of Allah ﷺ stopped making the *du'ā* and I asked him about it. he replied, 'Have you not seen that they have come back?'"

651 Reported by al-Bukhārī (4/26), (5/136) and Muslim (2/135-136) from the narration of Anas who said, "The Messenger of Allah invoked against those who killed the Companions at Thar Ma'ūnah for thirty afternoons. He invoked against Ri'l, Dhakwān and 'Usayyah who had disobeyed the Allah and His Messenger.

652 See *al-Mughnī* (2/586), and *al-Insāf* (2/174).

plague ravaged al-Shām during the lifetime of 'Umar ibn al-Khattāb. However, it has not been recorded that he made *qunūt*. We shall not put to practice that which was not practiced by the Prophet ﷺ, his Companions and the rightly-guided caliphs. Furthermore, the Muslims who die of plague are martyrs and it is a mercy to the Muslims. Therefore *qunūt* is not observed during a plague.

متن

والتراويحُ عشرونَ ركعةً

And the *tarāwīh* prayer is twenty *rak'āh*.

"And the *tarāwīh* prayer is twenty *rak'āh*": The *tarāwīh* prayer is Sunnah *mu'akkadah* (a strongly recommended Sunnah) prayer performed in congregation only in the month of Ramadān. The Prophet ﷺ prayed it with his Companions during the nights of Ramadān. He later refrained from praying with them and did so alone in his house. He explained his actions citing his fear that the people might assume that *tarāwīh* is obligatory upon them. Hence he stayed away from the congregational *tarāwīh* prayer to weaken this assumption.[653] However, the Sunnah is to pray it in congregation as the Prophet ﷺ did so initially with his Companions.

Tarāwīh remained an optional prayer in the eyes of the people as a result of the Prophet's timely action to refrain from praying it in congregation. To further emphasise that it was a Sunnah prayer, the Companions used to pray it individually in groups of two or three and sometimes in groups numbering more than that. They used to pray in many groups within the *masjids* during the lifetime of the Prophet ﷺ, when Abu Bakr was caliph and in the beginning of 'Umar's caliphate. May Allah be pleased with them both. There were many congregations praying *tarāwīh* within a *masjid* at the same time.

Then 'Umar decided to gather all the Muslims behind one *imām* in the *masjid* rather than having many congregations praying simultaneously. In fact, he was re-introducing the Sunnah that was initially practiced by the Prophet ﷺ. It was safe for 'Umar to do so as the Prophet had passed away by then and revelation had ceased. Due to his passing, the fear that people might consider *tarāwīh* prayers as obligatory was removed. 'Umar knew that no new obligation can be introduced in Islam with the demise of the Prophet. He felt that the Muslims

653 Reported by al-Bukhārī (2/62-63) and Muslim (2/177) from the narration of 'Aishah.

being fragmented during *tarāwīh* prayers was unbecoming. It is better for all the Muslims to pray united behind one *imām*. So 'Umar united them and appointed Ubay ibn K'ab as the *imām* who prayed twenty *rakāt* adding two *rakāt* of *al-shafa'* and one *rakāt* of *witr* prayer. They prayed a total of twenty three *rakāt* for *tarāwih*.

All of the Companions from the Muhājirūn and Ansār prayed likewise in Masjid al-Nabawī when 'Umar was the caliph. Some scholars claim that they prayed thirty six *rakāt* and some other scholars cite an even larger number. Some view that *tarāwīh* was eleven[654] or thirteen *rak'āh*. This illustrates that there is no fixed number as to how many *rakāt* one can perform for *tarāwīh* prayer. If a person wants to pray twenty three *rakāt*, then he is free to do so for the Companions did so. He can also pray eleven or thirteen *rakāt* as was the practice of the Prophet ﷺ. He can add on to these numbers if he so desires.

Shaykh al-Islam ibn Taymiyyah said, "It depends on the way the prayer is performed."[655] I.e. if he intends to prolong the *qiyām*, *ruku'* and *sujūd* as the Prophet ﷺ did, he can pray eleven or thirteen *rak'āh*. If the masses cannot bear a prolonged *rak'āh*, then the *imām* should heed the advice of the Prophet ﷺ who said: "Whoever leads the prayer should make it brief for there are the old, the weak and he who has to fulfil needs amongst them."[656]

When the people became lax in performing the prayer as the Prophet ﷺ prayed, they increased the number of *rakāt* but the proper method was wanting. It was the Sunnah of the Prophet to pray less but lengthier *rakāt*. Having said this, we must accept that there are many forms in regards to *tarāwīh* prayer as the Prophet did not specify how it must be done. He had only exhorted Muslims to stand in prayer to take advantage of the blessed month of Ramadān. He ﷺ said, "Whosoever performs prayers at night during the month of Ramadān with faith and in the hope of receiving Allah's reward, he will have his past sins forgiven."[657] There is no specification here regarding the number of *rak'āh*. He also said, "Whosoever prays with the *imām* until he departs, it is written for

654 See *al-Mughnī* (2/604).

655 See *al-Ikhtiyārāt al-Fiqhiyyah* (64).

656 Reported by al-Bukhārī (1/33-34, 180), (8/33), (9/82) and Muslim (2/24, 43) from the narration of Abu Mas'ūd al-Ansārī.

657 Reported by al-Bukhārī (1/16), (3/58) and Muslim (2/176, 177) from the narration of Abu Hurairah.

him that he stood the whole night in prayer."[658] Yet again the Prophet did not mention the number of *rak'āh*.

This is proof that the issue is vast and there is no limit to the number of *rakāt* a person can pray for the *tarāwīh* prayer. In terms of the attributes of this prayer: the people can shorten the length of the prayer and increase the units, as was done by the Companions, or reduce the units and lengthen the prayer, as was done by the Prophet. He ﷺ, used to read Sūrah al-Baqarāh, Alī 'Imrān and al-Nisa in just two *rakāt* of the night prayer. He would not recite an ayah mentioning Allah's mercy except that he would pause to ask for it and would not recite an ayah describing torment except that he would pause to seek refuge from it.[659]

In conclusion, we realise that the number of *rakāt* for the *tarāwīh* prayer is not restricted to a certain number. However, the essence of the matter is to look at the methodology of the Prophet when it comes to prayer. He ﷺ reduced the *rakāt* as his prayer itself was prolonged. Therefore, if anyone were to reduce the length of the prayer, he may increase the number of *rakāt* as was the practice of the Companions. This way it is balanced. All evidence leads us to draw this conclusion on this issue.

The argument that whoever performs more than eleven or thirteen *rakāt* is an innovator does not hold weight for the argument stands in direct contrast to the practice of the Companions. It is as if they view the Companions of the Prophet to be in error. It must be noted that among them were the rightly-guided caliphs 'Umar, 'Uthmān, 'Alī, the Muhājirūn and the Ansār among the Companions. All of them prayed twenty three *rakāt* of *tarāwīh* in Masjid al-Nabawī. To validate this argument, these eminent Companions would need to be labelled as innovators! *Lā hawla wa lā quwatta ilā billāh* (There is no might or power except with Allah). This kind of talk is utterly insolent!

The issue, as explained is flexible. If the prayer is prolonged, then let him reduce the number of *rakāt* and vice versa. This is the case provided that *tarāwīh* prayer is performed in congregation. When prayed individually, one may lengthen his prayer as he wishes. The Prophet ﷺ said: "If one of you leads the

658 Reported by Ahmad (5/163), Abu Dawūd (1375), al-Tirmidhī (806), al-Nasā'ī (3/83-84) and Ibn Mājah (1327) from the narration of Abu Dhar.

659 Reported by Muslim (2/186) from the narration of Hudhayfah.

prayer, he should make it brief, for there are amongst them the old, weak and he who has to fulfil his needs. When he prays alone, he may lengthen it as he wishes."[660]

متن

تُفعلُ في جماعةٍ مع الوِترِ بعد العشاءِ في رمضانَ، ويُوتِرُ المُتَهَجِّدُ بعدَه، فإنْ تَبعَ إمامَهُ شَفَعهُ بركعةٍ، ويُكرهُ التنفُّلُ بينها لا التعقيب بعدها في جماعة

It is performed in congregation along with *witr* after the '*ishā* prayer during the month of Ramadān. Those who intend to pray *tahajjud* may pray *witr* later. If he prays with the *imām*, he should make it an even number by adding a *rakāt*. To pray *nawāfil* in between *tarāwīh* prayer is disliked but praying in congregation after it is not.

"It is performed in congregation": The original form is to perform *tarāwīh* prayer in congregation though it is not wrong for a person to pray it individually. However, it is better if it is performed in congregation with the Muslims.

"Along with *witr*": E.g. he can pray twenty *rakāt* and then add three *rakāt* (*al-shafa'* and *witr*). If he prays ten *rakāt*, he may add a single *rakāt* of *witr* to make it eleven *rakāt* in total. He may add three *rakāt* to make it thirteen as well.

"After the '*ishā* prayer during the month of Ramadān": The time for the *tarāwīh* prayer is after the '*ishā* prayer and this is a matter of *ijmā'*. It is not permissible to pray it before '*ishā* as this was the way our Prophet ﷺ showed us. The pious predecessors never prayed it before '*ishā* prayer. Hence the prohibition is clear.[661] If he combined the *maghrib* and '*ishā* prayers together due to rain and did so at the time of *maghrib*, he may pray *tarāwīh* thereafter. This is because technically, it is after '*ishā* prayer.

"Those who intend to pray *tahajjud* may pray *witr* later": If he prays *tarāwīh* with the *imām* but intends to pray *tahajjud* later at night, he may do so. This adds to his rewards. However, he should perform the *witr* prayer with the *imām* so that he can attain the merit mentioned by the Prophet ﷺ: "Whoso-

660 Reported by al-Bukhārī (1/180) and Muslim (2/43) from the narration of Abu Hurairah.

661 Shaykh al-Islam ibn Taymiyyah said, "Whoever prays *tarāwīh* before '*ishā* has treaded the innovators' path and the way of those who refute the Sunnah." See *al-Ikhtiyārāt al-Fiqhiyyah* (p. 64).

ever stands in prayer with the *imām* until he departs, it is written for him that he stood the whole night in prayer."[662] He should pray *witr* with the *imām* and not depart until the *imām* departs.

It is best that he maintains the *witr* prayer prayed together with the *imām* even if he prays *tahajjud* later at night. He need not repeat the *witr* prayer for the Prophet ﷺ said, "There are no two *witr* prayers in one night."[663] There are narrations to prove that the Prophet used to pray after *witr* and not repeat the *witr* prayer.[664]

"If he prays with the *imām*, he should make it an even number by adding a *rakāt*": It is best that he not do this. Rather, he should follow the *imām*. Then later pray *tahajjud* in as many *rakāt* as he wishes. His *witr* prayer performed with the *imām* shall suffice.

"To pray *nawāfil* in between *tarāwīh* prayer is disliked": This refers to when the *imām* makes *taslīm* after performing two *rakāt* of *tarāwīh*, and an individual gets up to pray *nafl* prayers on his own. This is not permissible. This will lead to people praying different prayers simultaneously within a *masjid*. The Companions used to rebuke those who did so.

"Praying in congregation after it is not": As mentioned, one performs *tarāwīh* prayer with the *imām* and departs with him. He may choose to pray individually or in congregation thereafter.

متن

ثم السننُ الراتبةُ: ركعتانِ قبلَ الظُّهرِ، وركعتانِ بعدَها، وركعتانِ بعدَ المغربِ، وركعتانِ بعدَ العشاءِ، وركعتانِ قبل الفجرِ، وهما آكدُها، ومن فاتَهُ شيءٌ منها سُنَّ له قضاؤُه. وصلاةُ الليلِ أفضلُ من صلاةِ النَّهارِ وأفضلُها ثلثُ اللَّيلِ بعدَ نِصْفِه

Followed by the *sunan* of *rātibah*. Two *rakāt* before *zuhr* and two after it. Two *rakāt* after *maghrib* and '*ishā* respectively. Two *rakāt* before *fajr*. These are the strongly recommended *rawātib*. If someone misses these prayers, it is Sunnah for him to replace it. The night prayers are better than the day

662 Ibid.

663 Reported by Ahmad (4/23), Abu Dawūd (1439), al-Tirmidhī (470) and al-Nasā'ī (3/229-230) from the narration of Talq ibn 'Alī.

664 Reported by Muslim (2/168-170) from the narration of 'Aishah at the beginning of the narrative.

prayers. The best time is at two-thirds of the night.

"Followed by the *sunan* of *rātibah*": These are prayed alongside the obligatory prayers.

"Two *rakāt* before *zuhr* and two after it. Two *rakāt* after *maghrib* and *'ishā* respectively. Two *rakāt* before *fajr*": These are the ten *rakāt* which are derived from the hadīth narrated by Ibn 'Umar who said, "I have in memory the ten *rakāt* prayed by the Messenger of Allah ﷺ. Two *rakāt* before *zuhr*, two *rakāt* after it. Two *rakāt* after *maghrib* he prayed in his house, two *rakāt* he prayed after *'ishā* prayer in his house and two *rakāt* before *fajr*, a time when none entered the house of the Messenger of Allah ﷺ, [I came to know this because] Hafsah told me this."[665]

And from these ten *rakāt*, the most recommended is the two *rakāt* before the *fajr* prayer. The Prophet ﷺ did not leave it even when he was on a journey. These ten *rakāt* are the least one can pray. It is best to pray four *rakāt* before *zuhr* and four *rakāt* after it. The total will then be fourteen. The Prophet ﷺ said: "He who maintains four *rakāt* before *zuhr* and four *rakāt* after *zuhr* will be prohibited from the hellfire."[666]

"If someone misses these prayers, it is Sunnah for him to replace it": This refers to the *rawatib* prayers. The evidence for this is that the Prophet ﷺ made up the *rātibah* that are prayed after *zuhr*. He made them up after the *'asr* prayer.[667] On another occasion, the Prophet and his Companions slept through the *fajr* time and only the heat of the sun woke them up. This was while they were on a journey. He then prayed the *rātibah* of *fajr* prayer before calling the *mu'adhin* and performing the *fajr* prayer.[668] We observe that he ﷺ made up for the missed *rātibah* of the *fajr* prayer as well as the *fard rakāt*. Once, the Prophet ﷺ saw a man praying after *fajr* prayer. He asked the man who replied that he was making up for the *rātibah* prayer of *fajr* that he had missed. The Prophet ﷺ

665 Reported by al-Bukhārī (2/74) from the narration of 'Abdullah ibn 'Umar with this wording.

666 Reported by Ahmad (6/325, 326), Abu Dawūd (1269), al-Tirmidhī (427, 428), al-Nasā'ī (3/264, 265) and Ibn Mājah (1160) from the narration of Umm Habībah.

667 Reported by al-Bukhārī (2/87, 88) and Muslim (2/210, 211) from the narration of Umm Salamah.

668 Reported by Muslim (2/138-139) from the narration of Abu Qatādah.

endorsed the man's action.[669]

"The night prayers are better than the day prayers": The next type of Sunnah prayers after the *muqīd* (confined) ones are the *mutlaq* (general) prayers. The best of the *mutlaq* prayers is the night prayer. The Prophet ﷺ said, "The best prayer after the obligatory prayer is the night prayer".[670] Without doubt, the night prayer is the best general *nafl* or supererogatory prayer. It is especially more rewarding at the latest part of the night for it has merits that other times do not. One feels total tranquillity and a person is free of all mundane chores in the late hours of the night. When there is a third of the night remaining, Allah ﷻ descends to the earth's skies and asks, "Is there anyone who asks so that I may give? Is there anyone who seeks pardon so that I may forgive? Is there anyone who invokes so that I can answer his invocation?"[671]

Allah says in the Qur'ān: **{Indeed, the hours of the night are more effective for concurrence [of heart and tongue] and more suitable for words.}**[672] "*Nashi'ah*" in this ayah means waking up at night after sleep. Therefore the author wrote:

"The best time is at two-thirds of the night": I.e. after the first half of the night. He may sleep the first half and then wake up to pray a third of the night. He may sleep again for a sixth of the night. This was the practice of Prophet Dawūd.[673]

متن وصلاةُ ليلٍ ونهارٍ مَثْنَى مَثْنَى، وإن تطوعَ في النهار بأربعٍ كالظهرِ فلا بأسَ، وأَجْرُ صلاةِ قاعدٍ على نِصْفِ أَجْرِ صلاةِ قائمٍ

The night and day prayers are in batches of two *rakāt*. If he prays *tatawu'* (voluntary) prayers during the day of four *rakāt* in the manner of the *zuhr* prayer, then it is not a problem. The reward for prayers performed sitting

669 Reported by Ahmad (5/447), Abu Dawūd (1267), al-Tirmidhī (422) and Ibn Mājah (1154) from the narration of Qays ibn Amr al-Ansārī.

670 Reported by Muslim (3/169) from the narration of Abu Hurairah.

671 Reported by al-Bukhārī (2/66), (8/88), (9/175) and Muslim (2/175, 176) from the narration of Abu Hurairah.

672 Al-Muzzammil: 6

673 Reported by al-Bukhārī (2/63), (4-195-196) and Muslim (3/165) from the narration of 'Abdullah ibn 'Amr al-'Ās.

down is half that of prayers performed standing.

"The night and day prayers are in batches of two *rakāt*": I.e. he makes the *taslīm* after every two *rakāt*. The Prophet ﷺ said, "The night prayer is prayed in batches of two."[674] And in another hadīth, "The night and day prayers are prayed in batches of two."[675] Multiple *rakāt* should not be joined together with one *taslīm* but one should pray in batches of two *rakāt*.

"If he prays *tatawu'* (voluntary) prayers during the day of four *rakāt* in the manner of the *zuhr* prayer": Referring to the following scenario: he performs two *rakāt* and then sits for the first *tashahud* followed by two *rakāt* with the final *tashahud* at the end. He then makes *taslīm*. Praying *nafl* prayers like the *zuhr* prayer is acceptable. This is permissible only during the day.

"The reward for prayers performed sitting down is half that of prayers performed standing": The *nafl* prayer performed sitting is permissible even if that person does not have a valid excuse. However, the reward for this deed is only half of what he would gain if he stood up to pray it. The Prophet ﷺ used to perform the night prayer sitting down. In a hadīth reported from the Prophet ﷺ, he said, "The reward of prayer performed sitting down is half that of the prayer performed standing."[676]

متن

وتسنُّ صلاةُ الضُّحى، وأقلُّها ركعتانِ، وأكثرُها ثَمانٌ

The *duha* prayer is a Sunnah. Two *rakāt* is the minimum and eight *rakāt* is the maximum.

"*Duha* prayer is a Sunnah": The *duha* prayer is a supererogatory prayer which is *mutlaq* (general). It is called *duha* in reference to the time at which it is prayed, which is in the morning. The Prophet used to perform *duha* prayer and urged Abu Hurairah to do so. He ﷺ advised Abu Hurairah to perform three things: To fast three days in a month, to perform *witr* prayer before going to bed and to perform the *duha* prayer.[677]

---

674 Reported by al-Bukhārī (2/30), Muslim (2/171) from the narration of 'Abdullah ibn 'Umar.

675 Reported by Ahmad (2/26, 51), Abu Dawūd (1295), al-Tirmidhī (597) and al-Nasā'ī (3/227) and Ibn Mājah (1322) from the narration of 'Abdullah ibn 'Umar.

676 Reported by Muslim (2/165) from the narration of 'Abdullah ibn 'Amr.

677 Reported by al-Bukhārī (2/73), (3/53) and Muslim (2/158) from the narration of Abu

Duha prayer is especially important to those who missed performing the night prayer. This prayer is mentioned in many ahadīth of the Prophet ﷺ.

"Two *rakāt* is the minimum": The Prophet ﷺ said, "On every joint bone of man, there is a charity due." Then he went on to mention the different types of charity and then added, "The sum of all of these are equalled when he prays the two *rakāt* of *duha*."[678] He ﷺ also informed that whoever performs the *fajr* prayer, sits in the place that he prayed until sunrise and prays two *rakāt* of *duha* thereafter, he shall gain the reward of a Hajj and an 'Umrah.[679]

"Eight *rakāt* is the maximum": Praying sets of two *rakāt* followed by the *taslīm*. The Prophet entered the house of his cousin Umm Hani, his uncle Abu Tālib's daughter, and prayed there eight *rakāt* of *duha* prayer.[680] This is the evidence to show that eight *rakāt* is the maximum for *duha* prayer.

متن ووقتُها من خروجِ وقتِ النَّهيِ إلى قُبيلَ الزوال

Its time is just after the prohibited time in the morning until just before the zenith.

The time to perform the *duha* prayer starts after the ending of the time when prayers are forbidden. Its indication is when the sun rises above the horizon the distance of a spear. *Duha* prayer can be performed until moments before the sun reaches its zenith which signals the time when prayers are prohibited.

The more the *duha* prayer is delayed in the morning, the better it is. The Prophet ﷺ said, "The prayer of those who are penitent is observed when your weaned camels feel the heat of the sun."[681] Therefore, the best time to perform *duha* prayer is just before the prohibited time of the zenith.

متن وسجودُ التلاوةِ صلاةٌ، يُسَنُّ للقارئِ والمستمعِ دون السامعِ، وإن لم يَسْجُد القارئ لم

Hurairah.

678 Reported by Muslim (2/158) from the narration of Abu Dhar.

679 Reported by al-Tirmidhī (586) from the narration of Anas ibn Mālik.

680 Reported by al-Bukhārī (2/57, 73), (5/189) and Muslim (2/157) from the narration of Umm Hānī.

681 Reported by Muslim (2/171) from the narration of Zayd ibn Arqam.

يَسْجُدْ

The *sujūd* of *tilāwah* (recitation) is a prayer. It is Sunnah for the reciter and the listener to make the prostration. However the one who overhears the recital is excluded. If the reciter does not make the *sujūd*, the listener need not do so.

A recommended *nafl* is the *sujūd al-tilāwah* (prostration for recital). One performs it when he recites an ayah which has *sajdah* (ayah of prostration) in it as the Prophet ﷺ used to do so.

It is recommended that both the reciter and the listener perform the *sujūd*. The Companions used to listen to the Prophet ﷺ recite the Qur'ān and when he made the *sujūd al-tilāwah*, they did likewise such that some of them had trouble finding enough space to place their foreheads on the ground due to crowding.[682] This is evidence to show that it is a Sunnah for both the reciter and those listening to the recitation to perform the *sujūd*. However, a person who overhears the Qur'ān or was not expressly listening to it need not make the *sujūd*.

"The *sujūd* of *tilāwah* (recitation) is a prayer": The scholars differ as to whether it is a prayer or an independent act of worship. There are two views:

The first view: It is a prayer, as mentioned by the author above. If it is deemed a prayer, it adopts the rules pertaining to prayer as well. For example, facing the *qiblah*, making *takbīr* when one makes *sujūd* and rises up, being in the state of ablution. The pre-requisite that one's *awrah* be covered will also apply.[683]

The second view: It is not a prayer, rather it is an independent act of worship and the rules and pre-requisites of the prayer do not apply to *sujūd al-tilāwah*.[684]

"If the reciter does not make the *sujūd*, the listener need not do so": The listener only does it if the reciter does so.

682 Reported by al-Bukhārī (2/51-53) and Muslim (2/88) from the narration of Ibn 'Umar.

683 See *al-Inṣāf* (2/193).

684 This is the preferred view of Shaykh al-Islam ibn Taymiyyah. See *al-Ikhtiyārāt al-Fiqhiyyah*.

متن وهو أربَعَ عشرةَ سجدةً، في الحجِّ منهـا اثنتانِ، ويُكَبِّرُ إذا سجـدَ وإذا رَفَعَ، ويجلسُ ويُسلِّمُ ولا يتشهَّدُ

There are fourteen *sajdah* (*ayāt* of prostration) and in Sūrah al-Hajj, there are two *sajdahs*. One should make *takbīr* when making the *sujūd* and when rising up from it. One should sit and make *salām* and omit the *tashahud*.

"There are fourteen *sajdah* (*ayāt* of prostration) and in Sūrah al-Hajj, there are two *sajdahs*": There are fourteen *ayāt* of prostration in the Qur'ān which are in the following *sūrahs*: al-A'raf, al-Ra'd, al-Nahl, al-Isra, Maryam, al-Hajj (two *sajdahs*, one in the early part of the *sūrah* and one at the end), al-Furqān, al-Naml, al-Sajdah, al-Fussilat, al-Najm, al-Inshiqaq and al-'Alaq. These *sūrahs* are in descending order.

"One should make *takbīr* when making the *sujūd* and when rising up from it": This is based on the view that *sujūd al-tilāwah* is a prayer. *Taslīm* is also made as there is *tahrīm* (forbidden) and *tahlīl* (allowed) aspects to it, which all prayers have.[685] However, the preferred view is that [only the] *takbīr* is essential when a *sajdah* occurs during the recital of the prayer. The *imām* makes *takbīr* to indicate the *sujūd* and then another *takbīr* to indicate the rising up to *qiyām* again. This was the example shown to us by our beloved Prophet ﷺ.[686]

"One should sit and make *salām* and omit the *tashahud*": This is based on the view that *sujūd al-tilāwah* is a prayer.

متن ويُكره للإمام قراءةُ سجدةٍ في صلاةِ سِرٍّ وسجودُه فيها، ويَلْزَمُ المأمومُ متابعتُه في غيرهـا، ويستحبُّ سجودُ الشكرِ عند تَجَدُّدِ النِّعمِ واندفاعِ النِّقمِ، وتَبْطُلُ به صلاةُ غيرِ جاهلٍ وناسٍ

Reciting *ayāt* containing a *sajdah* and performing *sujūd al-tilāwah* by the *imām* in the silent prayers is disliked. The *ma'mūm* should follow the *imām* in doing the *sujūd al-tilāwah* in the other prayers. *Sujūd* can be performed in gratitude when a new blessing is bestowed or a calamity averted. A *sujūd* for gratitude performed whilst praying renders the prayer invalid, unless done with ignorance or forgetfully.

685 See *al-Insāf* (2/197).

686 Reported by al-Bukhārī (1/199) and Muslim (2/7) from the narration of Abu Hurairah.

"Reciting *ayāt* containing a *sajdah* and performing *sujūd al-tilāwah* by the *imām* in the silent prayers is disliked": This is due to the fact that it will puzzle the *ma'mūm* who might assume that the *imām* has proceeded to make *sujūd* without making the *ruku'*. The *imām* can either choose to perplex the *ma'mūm* or omit the Sunnah of *sujūd al-tilāwah* if he reads the *ayāt* of *sajdah* in the silent prayers like *zuhr* or *'asr*. However, he can avoid both of these scenarios if he avoids reading *ayāt* that contain *sajdah* in the silent prayers.

"The *ma'mūm* should follow the *imām* in doing the *sujūd al-tilāwah* in the other prayers": It is a must that the *ma'mūm* perform the *sujūd al-tilāwah* along with the *imām* in the articulated prayers like *maghrib* or *fajr*. The Prophet ﷺ said, "Verily, the *imām* is to be followed."[687] To follow the *imām* is mandatory upon the *ma'mūm*.

"*Sujūd* can be performed in gratitude when a new blessing is bestowed or a calamity averted": A blessing, for example the birth of a child or the news of victory to the Muslim army and the defeat of the enemies of Islam warrants a prostration of gratitude. Abu Bakr made this prostration when he heard that Musailamah al-Kadhāb had been killed in the Battle of Yamāmah.[688] An example of an averted calamity would be when Allah makes the Muslims immune to the onslaught of the enemies of Islam. One should make the *sujūd* of gratitude during such events. It should be pointed out that the author mentions a "new blessing". Indeed the Muslims are in perpetual blessing from Allah.

"A *sujūd* for gratitude performed whilst praying renders the prayer invalid": *Sujūd al-shukr* is recommended only outside a prayer. If one does so on purpose while praying, his prayer is invalid for it is not an act belonging to the prayer. He has added something extra to his prayer. However, if he did so due to ignorance or was oblivious to it, then he is pardoned and his prayer is valid.

متن

وأوقاتُ النهيِ خمسةٌ: من طلوعِ الفجرِ الثاني إلى طلوعِ الشمسِ، ومن طُلوعِها حتى ترتفعَ قِيْدَ رمَح، وعندَ قيامِها حَتى تَزُوَلَ، ومن صلاةِ العصرِ إلى غُروبِها، وإذا شرعتَ

687 Reported by al-Bukhārī (1/106, 177, 187, 203), (2/59) and Muslim (2/18) from the narration of Anas ibn Mālik

688 See *al-Muntaqa* by al-Majd ibn Taymiyyah commenting on hadīth 1018, attributing his words to Sa'īd ibn Mansūr.

فيه حتى تتمَّ

There are five periods when the prayer is forbidden: (i) between dawn and sunrise, (ii) between sunrise and when it rises above the horizon the distance of a spear, (iii) during the sun's zenith until it starts to set, (iv) from *'asr* prayer until dusk and (v) from dusk until complete sunset.

"There are five periods when the prayer is forbidden": After explaining the *nafawil al-muqīd* and the general *nawafil* prayers, the author shifts his attention to clarifying the various times where *nawafil* prayers are forbidden. The Prophet ﷺ has specifically mentioned these times.

They are classified into three periods: (i) After *fajr* (dawn) to sunrise. After *fajr* one should not pray *nafl* prayer except for the two units of *rātibah* before the *fajr* prayer. The prohibition stretches until sunrise. (ii) When the sun is right above the head (at its zenith), until it passes its zenith to the west. (iii) Immediately after '*asr* prayer until sunset.

The five forbidden times are grouped into the above three periods. Below is a look at the five forbidden times in detail:

"(i) After dawn to sunrise": No elaboration is required here as it is clear.

"(ii) Between sunrise and when it rises above the horizon the distance of a spear": Until the sun rises above the horizon the distance which is equivalent to the height of a spear.

"(iii) During the sun's zenith until it starts to set": From the zenith until it moves slightly westward.

"(iv) From '*asr* prayer until dusk": From '*asr* prayer to when the sun is about to set.

"(v) From dusk until complete sunset": From dusk until nightfall.

The wisdom behind the prohibition of praying during these times is as follows: (i) the Prophet ﷺ forbade prayer during sunrise as it rises on the two horns of Shaytān. The disbelievers prostrate to it at that time and so he forbade us to

mimic the actions of the disbelievers.[689] (ii) The zenith of the sun is when the hellfire is stoked. No prayer is to be performed at this time. (iii) When the sun sets, it sets between the two horns of Shaytān and the disbelievers prostrate to it. We have been forbidden to mimic the disbeliever's worship. Indeed, the Muslim worships Allah and not the sun. However, we are prohibited to follow the disbelievers' worship from every perspective. This prohibition is a preventive measure which bars all means to an unfavourable end through falling into *shirk* (associating partners with Allah).

متن **ويجوزُ قضاءُ الفرائضِ فيها، وفي الأوقاتِ الثلاثةِ فعلُ ركعتي طـوافٍ وإعادةُ جماعةٍ، ويَحْرمُ تَطَوُّعٌ بغيرِها في شيءٍ من الأوقات الخمسة، حتى ما له سبب**

It is permissible to make up the missed obligatory prayers during these times as well as the two *rakāt* after *tawāf* (circling the Ka'bāh) and if a congregational prayer is duplicated. Any form of *tatawu'* prayer is prohibited during the five forbidden times unless there is a valid reason.

It is permissible to pray in the forbidden times under certain situations:

First: "It is permissible to make up the missed obligatory prayers during these times": Making up the missed obligatory prayers. If he remembers during the forbidden times that he has missed an obligatory prayer, he must pray it immediately. He should not use the forbidden time as an excuse to delay it even further. The Prophet ﷺ said, "Whoever falls asleep and misses the prayer or forgot to do so, he shall do so when he remembers. There is no penalty for it except the prayer itself."[690] "When he remembers" as in this hadīth indicates that this can occur at any time as in the ayah, **{Establish prayer for My re-**

689 Reported by Muslim (2/208-209) from the narration of 'Amr ibn Abasah that the Prophet ﷺ said, "Pray as much as you like, for the prayer is attended by the angels and it is recorded till you offer the dawn prayer; then stop praying when the sun is rising till it has reached the height of one or two lances, for it rises between the two horns of the devil, and the infidels offer prayer for it (at that time). Then pray as much as you like, because the prayer is witnessed and recorded till the shadow of a lance becomes equal to it. Then cease prayer, for at that time the Hellfire is heated up and doors of Hell are opened.

When the sun declines, pray as much as you like, for the prayer is witnessed till you pray the afternoon prayer; then cease prayer till the sun sets, for it sets between the horns of the devil, and (at that time) the infidels offer prayer for it."

690 Reported by al-Bukhārī (1/155) and Muslim (2/142) from the narration of Anas ibn Mālik.

membrance.}[691]

Second: "The two *rakāt* after *tawāf* (circling the Ka'bāh)": The two *rakāt* after *tawāf* are permissible during these periods of time as the Prophet ﷺ said, "O clan of 'Abd Manāf, do not prevent anyone from making *tawāf* of this house and praying during any hour, be it in day or the night."[692]

Third: "And if a congregational prayer is duplicated": I.e. if one prayed and then entered the *masjid* whilst the congregational prayer is in progress, he should join the congregation and not just sit down. The Prophet ﷺ ordered those who come to the *masjid* when there is a congregational prayer to join in even if he has already performed that prayer elsewhere. The repetition shall be considered as a *nafl* for him.[693] Likewise, if you prayed *'asr* or *fajr* and someone who has not prayed them arrived, there is no prohibition for you to pray with him so that it will be a congregational prayer. These are the three prayers that are prayed even during the forbidden times.

"Any form of *tatawu'* prayer is prohibited during the five forbidden times unless there is a valid reason": The most prominent of scholars say, "All prayers that have got a reason can be prayed even during forbidden times, for example; *tahiyat al-masjid*, eclipse and funeral prayers. Any prayer can be performed during these times if it gains a valid reason. This is the preferred view of Shaykh al-Islam Ibn Taymiyyah[694] and Allah, the Most High, knows best.

691 Taha: 14

692 Reported by Ahmad (4/80, 81 and 84), Abu Dawūd (1894), al-Tirmidhī (868), al-Nasā'ī (1/284) and Ibn Mājah (1254) from the narration of Jubayr ibn Mat'am.

693 Reported by Ahmad (4/160, 161), Abu Dawūd (575), al-Tirmidhī (219) and al-Nasā'ī (2/112), from the narraton of Zayd ibn al-Aswad al-'Āmirī.

694 See *al-Ikhtiyārāt al-Fiqhiyyah* (p. 101).

باب صلاة الجماعة
CHAPTER: CONGREGATIONAL PRAYER

"Chapter: Congregational Prayer": The obligatory prayers must be performed in a congregation whenever possible. What is meant by "congregational prayer" is: the explanation of the laws pertaining to the prayer performed in a congregation, the *imām*, characteristics of the *imām* and laws pertaining to the followers with regards to them following the *imām*. All these aspects shall be covered in this chapter.

The pious predecessors (*salaf*) and the later generations (*khalaf*) agree that the obligatory prayers are legislated to be performed in congregation.[695] However, there are those who consider it as Sunnah.[696] There are those who consider it to be mandatory.[697] Some claim that it is a condition for the validity of prayer.[698] None of them refute that congregation is legislated for the obligatory prayers. They only differ in their views as to whether it is Sunnah, *wājib* or a condition.

695 See *al-Majmū' Sharh al-Muhdhib* (4/183).

696 For example, Abu Hanīfah, Mālik and al-Shāfi'ī. See *al-Mughnī* (3/5). However, it does not mean that all the followers held this stance and implemented it. There are among them, may Allah have mercy on them, those who hold the view that it is mandatory. Moreover, there are those who consider it an obligation for the individual (*fard 'ayn*). Al-Nawawī says in his *al-Majmū'*, "There are three views regarding congregational prayer among our companions: Firstly, that it is the collective obligation (*fard kifayah*). Secondly, that it is optional and thirdly, that it is *fard 'ayn*. The third view is held by two prominent scholars of *fiqh* and hadīth. They are: Abu Bakr ibn Khuzaymah and Ibn Mundhir." (4/183)

697 See *al-Kāfī* (1/174).

698 This is the preferred view of Shaykh al-Islam ibn Taymiyyah. See *al-Ikhtiyārāt al-Fiqhiyyah* (p. 67).

The correct view is: it is mandatory (*wājib*) in light of the Qur'ān and Sunnah. Evidence from the Qur'ān: **{And when you are among them and lead them in prayer, let a group of them stand [in prayer] with you and let them carry their arms. And when they have prostrated, let them be [in position] behind you and have the other group come forward which has not [yet] prayed and let them pray with you, taking precaution and carrying their arms.}**[699] Allah ﷻ ordains congregational prayer even during times of fear and trepidation, let alone during times of peace and security. If congregational prayer was only optional, then it would not have been ordained during times of fear. In fact, it was ordained twice in the above mentioned verses: **{Let a group of them stand [in prayer] with you.}** And again: **{And have the other group come forward which has not [yet] prayed and let them pray with you.}**

We observe that some mandatory actions are omitted in *salāt al-khawf* (prayer during times of fear) while additional actions are permitted; for example moving forward, backward and carrying weapons. These exceptions and omissions are allowed only during times of fear, not during times of stability. This proves that congregational prayer is mandatory. Otherwise, it would not have been ordained during a time of fear.

Another proof from the Qur'ān: **{And establish prayer and give *zakah* and bow with those who bow [in worship and obedience].}**[700] Meaning pray with those who pray. Since bowing is a *rukn* of the prayer, it alludes to the prayer itself.

Evidence from the Sunnah: There are many ahadīth that describe congregational prayers as mandatory. For example, the Prophet ﷺ ordered a *masjid* to be built, appointed a *mu'adhin* for the prayer and set a schedule as to who should lead the prayers. All this suggests that congregational prayers are *wājib*. If it were just Sunnah, neither a *masjid* nor the *adhān* would be necessary. The Prophet ﷺ said, "If there are three men in a village or in the desert among whom prayer is not offered in congregation, the devil has got the mastery over them."[701]

699 Al-Nisā: 102

700 Al-Baqarah: 43

701 Reported by Ahmad (5/196), (6/446), Abu Dawūd (547) and al-Nasā'ī (2/106) from the narration of Abu Dardā'.

He ﷺ also said, "The most difficult of prayers for the hypocrites are *'ishā* and *fajr*."[702] In this narration those who absented from the *fajr* and *'ishā* prayers were termed as hypocrites. This is proof that they omitted a mandatory act. Surely leaving off a Sunnah act would not lead to hypocrisy. The Prophet ﷺ also said, "I thought to give orders for arranging prayer in congregation, and then to have the *iqāmah* called for it, then to order a man to lead the people in prayer, then to go off in company of the people who have bundles of firewood to those people who are not present at the prayer and then to burn down their houses with fire."[703] The Prophet intended to punish them by burning them. Punishment is mete out for omitting mandatory acts. They would not deserve punishment had congregational prayers been optional nor would they be called hypocrites.

The apparent wisdom behind congregational prayers:

It repels Shaytān who whispers into and disturbs the person praying alone. When in congregation, Shaytān withdraws and stays away from those praying. Hence the Prophet ﷺ ordered that Muslims must pray together and not avoid the congregational prayer. He said, "Verily, the wolf attacks the lone sheep," and "Verily Shaytān is man's wolf."[704]

The significance of prayer in congregation is that it repels Shaytān from the person who is praying. This can be practically felt. If one prays in a congregation, his thoughts do not run wild as compared to him praying alone. Shaytān overwhelms him which leads him towards forgetfulness whilst praying by himself.

Congregational prayer promotes interaction between Muslims, which creates a bond between them. They might discover each other's needs and fulfil them. Otherwise, they will not know each other and hence be isolated. If they pray together as a congregation five times a day, they can bond and advise each other. They may seek one another's help in trying to solve their problems. If one of them is absent for a while, they miss him and ask after his well-being. If unwell, they visit him and if he has become lazy, they advise him.

702 Reported by al-Bukhārī (1/167), Muslim (2/123) from the hadīth of Abu Hurairah.

703 Reported by Abu Dawūd (548) from the narration of Abu Hurairah.

704 Reported by Ahmad (5/232-233, 243) from the hadīth Mu'ādh ibn Jabal.

'Abdullāh ibn Mas'ūd said, "He who wants to enjoy the meeting with Allah as a Muslim, let him perform these [obligatory] prayers when they are called. Verily Allah has legislated for your Prophet ways to guidance. These [prayers] are ways to guidance. If any of you performs these prayers in your house like he who is insular and prays in his home, then indeed you have left the way of your Prophet. If you leave the way of your Prophet, you will go wayward. We have seen that only the hypocrites renowned for their hypocrisy turn away from the congregational prayer. A man used to be brought to the prayer supported by two men and he would take his place in the rows."[705]

This was the attitude of the Companions towards the congregational prayer. They never missed it and deemed those who missed it as hypocrites, as those who have shunned the Sunnah of the Prophet ﷺ and as those who have gone wayward. "If you leave the way of your Prophet, you will go wayward." The Companions would even escort the sick and elderly to the *masjid* if they were unable to walk. They would hold on to either side of his upper arm up until he stood in his row. This is how steadfast they were in preserving the congregational prayer and making it their foremost priority.

متن تلزم الرجال للصلواتِ الخمس، لا شرطٌ، وله فعلها في بيته

It is incumbent upon the men to pray the five daily prayers. It is not a condition. He can perform it at his home.

"It is incumbent upon the men": I.e. it is mandatory upon them to perform the prayers in congregation. As for women, they are not obliged to do so. They can pray in the *masjid* but their prayer in their houses is better. This is so that they are better protected and to safeguard them from *fitnah* (sedition and chaos). Similarly, it is not mandatory for children. However, if boys reach the age of discernment (*mumayiz*), they are ordered to pray in the *masjid*. They are brought there so that the obedience is inculcated in them.

"To pray the five daily prayers": To pray in congregation is not *wājib* for any prayer besides these. It is however recommended to do so for example in the case of *tarāwīh* and eclipse prayers.

"It is not a condition": Praying in congregation is not a condition for prayer

705 Reported by Muslim (2/123).

to be valid. The proof is the saying of the Prophet ﷺ, "A man's prayer in congregation is twenty seven times more meritorious than praying individually."[706] Hence congregational prayer is twenty seven times higher in degree than praying it alone. This is the evidence that the prayer performed individually is still accepted. If praying in congregation was a condition, then the prayer performed individually would be null and void. This hadīth is authentic.

Some scholars hold the view that congregation is a condition for the validity of a prayer.[707] They base their view from the narration of Imām Ahmad and the preference of Shaykh al-Islam ibn Taymiyyāh. If he prayed alone without a valid reason, then his prayer is null and void. This is based on the saying of the Prophet ﷺ, "Whosoever hears the call and does not answer it, there is no prayer for him unless he has an excuse."[708] His saying, "There is no prayer for him" is evidence for the nullification of the prayer performed individually without a valid excuse.

As for the statement of the Prophet ﷺ, "A man's prayer in congregation is twenty seven times more meritorious than praying individually," this is on the assumption that he has a valid excuse to pray by himself. As for he who leaves praying in congregation without a valid reason, then his prayer is valid though he incurred a sin of leaving a mandatory act (of praying in a congregation).

"He can perform it at his home": Meaning that he can pray congregationally in his house. It is not mandatory to do so at the *masjid* based upon the saying of the Prophet ﷺ, "The earth has been made a place of worship and it is pure."[709]

The correct view however, is that it is mandatory to pray it in congregation at the *masjid*. This is based upon the hadīth, "There is no prayer for those living in the vicinity of the *masjid* except in it."[710] There is also the hadīth of the blind man. The Messenger ﷺ said, "Do you hear the call?" The blind man replied,

706 Reported by al-Bukhārī (1/165-166), Muslim (2/122) from the narration of Ibn 'Umar.

707 See *al-Ikhtiyārāt al-Fiqhiyyah* (p. 67).

708 Reported by Abu Dawūd (551) and Ibn Mājah (793) from the narration of 'Abdullah ibn 'Abbās.

709 Reported by al-Bukhārī (1/91, 119) and Muslim (2/63) from the narration of Jābir ibn 'Abdullah.

710 Reported by al-Dāraqutnī (1/420), al-Hākim (1/246) and al-Bayhaqī (3/57) from the narration of Abu Hurairah.

"Yes". He ﷺ said, "Answer it for I cannot provide a concession for you."[711] If it was permissible to perform the obligatory prayers at home, the Prophet ﷺ would have given concession to the blind man to do so at home together with those living in his house. He would have then achieved congregational prayer. However no concession was given. Similarly the hadīth, "Whosoever hears the call (*adhān*) and does not answer it, then there is no prayer for him unless with a valid excuse," emphasises this point.

متن وتُستحب صلاةُ أهلِ الثَّغْرِ في مسجدٍ واحدٍ

It is recommended that the people living in a remote outpost pray in one *masjid*.

The author now shifts to the matter of praying in numerous *masjids*. Which *masjid* is better if there are many?

<u>Firstly</u>:

"It is recommended that the people living in a remote outpost pray in one *masjid*": It is not permissible for the people inhabiting a remote outpost to have many *masjids*. They should only build a single *masjid*. People living in a remote outpost (*ahl al-thaghri*) refers to those living on the periphery of Muslim lands who keep watch so that enemies do not launch a surprise attack on the Muslim mainland. These are the *ahl al-thagri*. They engage in *ribat* (sentry duty) in the path of Allah. They should pray in one *masjid* so that they gain strength through solidarity and display power to the enemy.

متن والأفضلُ لغيرِهم في المسجدِ الذي لا تقامُ فيه الجماعةُ إلا بحضورِه

It is best for the others to attend a *masjid* where the congregational prayer is dependent upon their attendance.

<u>Secondly</u>:

"It is best for the others to attend a *masjid* where the congregational prayer is dependent upon their attendance": Those not living in a remote outpost may

711 Reported by Muslim (2/124) from the narration of Abu Hurairah.

build numerous *masjids* according to their needs. There were numerous *masjids* in Madīnah during the lifetime of the Prophet ﷺ due to necessity. He ﷺ did not order all the residents there to congregate in one *masjid*. The only exception was for the Friday prayer and the 'Eid prayers.

One may ask: if there are many *masjids*, which is the best to pray in? It is best to pray in a *masjid* where the congregational prayer is dependent on your attendance. For example, there are two people who usually pray at the *masjid* and one of them left to pray at another *masjid*. Thus, the congregational prayer cannot be performed in this *masjid*. It is better for someone to pray in this *masjid* so that congregational prayers can be established therein. Another example: if a person is prominent in society and by him attending a particular *masjid*, many people flock to it. If he does not come to the *masjid*, then the people avoid it so much so that obligatory prayer in a congregation cannot be performed. It is better for this prominent person to stay put at this *masjid* and facilitate the congregational prayer. He should pray in this *masjid* so that enough people will attend there. Allah ﷻ says: **{The *masjids* of Allah are only to be maintained by those who believe in Allah and the Last Day.}**[712]

متن ثم ما كان أكثر جماعةً، ثـم المسجدُ العتيقُ، وأبعدُ أولى من أَقْرب

Followed by the *masjid* that has the largest congregation and then that which is the oldest. The *masjid* that is further should be given more priority than the *masjid* which is near.

Thirdly:

"Followed by the *masjid* that has the largest congregation": Third in priority is the *masjid* that has the biggest congregation. The Prophet ﷺ said, "The bigger [the congregation], the more loved by Allah ﷻ."[713]

Fourthly:

"And then that which is the oldest": If the *masjids* are of similar sized congregations, then it is better to pray in the oldest among the *masjids*. This is because

712 Al-Tawbah: 18

713 Reported by Ahmad (5/140), Abu Dawūd, (554) and al-Nasā'ī (2/104-105) from the narration of Ubay ibn Ka'b.

it has preceded the other *masjids* in the service of obedience to Allah.

Fifthly:

"The *masjid* that is further should be given more priority than the *masjid* which is near": If both *masjids* were built close in time to each other, then the *masjid* that is further is better. This is because it takes more footsteps to get to it. This is in relation to the hadīth of Bani Salamah. They wanted to live closer to Masjid al-Nabawi. When the Prophet ﷺ heard this he said, "O Bani Salamah! Stay in your houses for your footprints are recorded."[714] Meaning, stay in your houses, even though they are far from the *masjid*, as your footsteps to the *masjid* are recorded.

متن وَيَحْرُمُ أَنْ يَؤُمَّ فِي مسجدٍ قبل إِمَامِهِ الراتبِ إلا بإذنِهِ أو عذره

It is impermissible to lead a prayer in a *masjid* before the *imām* who is paid leads the prayer unless he permits it or there is a valid excuse.

"It is impermissible to lead a prayer in a *masjid* before the *imām* who is paid leads the prayer": If that particular *masjid* has an official *imām* who is charged with leading the prayers. It is not permissible for anyone else to precede him in leading the prayer as it would violate the rights of the *imām* who is under the payroll of the *masjid*.

"Unless he permits it or there is a valid excuse": Such as in the following situations: (i) He permits someone to lead the prayer in his place. This person then acts as the *imām's* representative. The Prophet ﷺ deputised Abu Bakr to lead the prayers when he fell ill.[715] (ii) When the *imām* delays the prayer such that it burdens those who pray with him or if they fear that the prescribed prayer time might elapse. One of the Muslims can come forward to lead the prayer in this instance. During the Battle of Tabūk, the Prophet ﷺ was delayed in leading the people in prayer so 'Abdul Rahmān ibn Awf led the prayer. The Prophet joined in later. He ﷺ said, "You did well."[716]

714 Reported by Muslim (2/131) from the narration of Jābir ibn 'Abdullah.

715 Reported by al-Bukhārī (1/169, 182 and 183) and Muslim (2/22-23) from the narration of 'Aishah.

716 Reported by Muslim (2/26) from the narration of al-Mughīrah ibn Shu'bah

This proves that if the *imām* is significantly delayed for the prayer and this becomes a burden on the Muslims or if it is feared that the prescribed time for that prayer might elapse, it is permissible for one of them to lead the prayer for there is a valid excuse for this.

متن ومن صلَّى ثم أُقيمَ فرضٌ سُنَّ له أَنْ يُعيدَها، إلا المغربَ

Whoever prays before the *iqāmah* of the obligatory prayer, he should repeat his prayer except *maghrib*.

"Whoever prays before the *iqāmah* of the obligatory prayer, he should repeat his prayer": If a person was to pray and later went to a *masjid* where the congregation prayer is about to begin, it is recommended that he join in the prayer and not sit down. The evidence for this is when the Prophet ﷺ performed *fajr* prayer with his Companions at Masjid al-Khayf during his farewell Hajj. Once the prayer was concluded, he saw two men sitting at the back of the rows of worshippers. He asked that they be brought to him so that he could speak to them. They trembled out of respect for the Messenger ﷺ who said, "What is the issue that led you not to pray with us?" They said, "O Messenger of Allah! We prayed at our camp." He replied, "Do not do so. If you prayed at your camp and later the [congregational] prayer began, pray with the congregation. This will be considered *nafl* prayer for both of you."[717]

This is proof that our *Shari'ah* permits the repetition of congregational prayers when one hears the *iqāmah*. If he comes after the *iqāmah*, then it is permissible for him to sit down.

"Except *maghrib*": It is not recommended to repeat this prayer for *maghrib* has odd numbers of *rakāt*. It is considered the daytime *witr* and so should not be repeated.

متن ولا تُكره إعادةُ الجماعةِ في غيرِ مَسْجِدَيْ مكةَ والمدينة

The repetition of prayers in a congregation is not disliked in *masjids* other than the two *masjids* in Makkah and Madīnah.

717 Reported by Ahmad (4/160, 161), al-Tirmidhī (219) and al-Nasā'ī (2/112) from the narration of Yazīd ibn al-Aswad al-'Āmirī.

"The repetition of prayers in a congregation": This is another type of repetition.

First type: Repeating the congregational prayer due to being present for the *iqāmah* of an obligatory prayer (i.e. he had prayed it elsewhere prior to hearing the *iqāmah*).

Second type: Repeating the congregational prayer when the first congregational prayer was missed.

This requires elaboration. If the *masjid* is located along the travelling routes where people enter at various times to perform their prayers, in this case, there is no prohibition of repeating congregational prayer as many times as necessary since there is a valid excuse.

As for the *masjid* that is not on travelling routes, if a person comes to the *masjid* deliberately late because he does not like to pray with the *imām* and wants to have a second congregational prayer, then this is not permitted. This action leads to disunity and factionalism. It is incumbent on them to come to the *masjid* upon hearing the *adhān* and performing the prayer together with the Muslims.

However, if they come intending to perform the congregational prayer but miss it, then there is no prohibition for them to perform a second congregational prayer. The Prophet ﷺ once saw a person after concluding his prayer. This man had just reached the *masjid*. He ﷺ said, "Whoever wishes to give charity to this man should pray with him." A man, who had already prayed, stood up and prayed with the late-comer.[718]

"Other than the two *masjids* in Makkah and Madīnah": Referring to Masjid al-Haram and Masjid al-Nabawī. The intentional repetition of congregational prayer in these two *masjids* is disliked. This is due to the special merits accorded to them. However, those who miss the congregational prayer therein may perform a second congregation. This is not disliked as proven in the hadīth, "Whoever wishes to give charity to this man, should pray with him."

718 Reported by Ahmad (3/5, 45, 64), Abu Dawūd (574) and al-Tirmidhī (220) from the narration of Abu Sa'īd al-Khudrī.

وإذا أقيمت الصلاة فلا صلاة إلا المكتوبة، فإنْ كان في نافلةٍ أتمَّها، إلا أنْ يَخْشَى فَواتَ الجماعةِ فَيَقْطَعَهَا، ومن كبَّرَ قَبْلَ سَلاَمِ إمامِهِ لَحِقَ الجماعةَ، وإن لحقه راكعاً دخلَ معه في الركعة وأجزأتْه التحريمةُ متن

If the *iqāmah* is called for a prayer, then there is no prayer except the obligatory prayer. If one was in the midst of performing a *nafl* prayer, he should complete it unless he fears that he will miss the congregational prayer. If so, he should stop it abruptly. He who makes his *takbīr* before the *imām's taslīm* has partaken in the congregation. If he arrives at the row of worshippers when they are in *ruku'* (the bowing position), then he immediately assumes the *ruku* position as well. The *takbīratul ihrām* is sufficient for him.

"If the *iqāmah* is called for a prayer, then there is no prayer except the obligatory prayer": If the *iqāmah* is called, it is not permissible for a person to pray a *nafl* prayer for the Prophet ﷺ said, "If the *iqāmah* is called, there is no prayer except the obligatory prayer."[719]

"If one was in the midst of performing a *nafl* prayer, he should complete it": For Allah ﷻ says: **{And do not invalidate your deeds.}**[720]

"He who makes his *takbīr* before the *imām's taslīm* has partaken in the congregation": This is an important subject. At what stage does a latecomer partake in the congregational prayer?

The Hanbalī *madhab* states that if one makes the *takbīratul ihram* before the *imām* makes *taslīm*, he has partaken in the congregational prayer.[721] Though he might have partaken in only a small portion of the prayer, he is deemed to have gotten the full reward of praying in congregation.

The second view, which is the correct view, states that one does not partake in the congregational prayer unless he is able to join in at or before the *ruku'* position. It is similar to the ruling for the Friday prayer.[722]

719 Reported by Muslim (2/103-104) from the narration of Abu Hurairah.

720 Muhammad: 33

721 See *al-Muqni* (1/198).

722 This is in the Māliki *madhab* and one of two narrations from Ahmad, preferred by most of the Hanbali scholars and by Shaykh al-Islam ibn Taymiyyah. See *al-Ikhtiyārāt al-Fiqhiyyah* (p. 68).

"If he arrives at the row of worshippers when they are in *ruku'* (the bowing position), then he immediately assumes the *ruku* position as well. The *takbīratul ihrām* is sufficient for him": This is another subject that must be explained. If he arrives at the *masjid* when the *imām* is in the *ruku'* position, he makes the *takbīratul ihrām* while standing erect then goes directly to the *ruku'* position. It is recommended that he makes the second *takbīr* when proceeding to *ruku'* though the *takbīratul ihram* would suffice.

When he performs the *ruku'* position with the *imām*, he has indeed caught up with that *rakāt* with the congregation. This is proven by the action of Abu Bakrah who joined the prayer led by the Messenger ﷺ while he was in the *ruku'* position. Abu Bakrah made *ruku'* while still at a distance from the rows of the worshippers. He proceeded to shuffle forward in this position towards those praying and joined the rows. When the Prophet ﷺ concluded the prayer, he said, "May Allah increase you in steadfastness but do not repeat this action."[723] The Prophet ﷺ did not ask Abu Bakrah to make up for the *rakāt*. This is proof that a *rakāt* is caught when *ruku'* is performed.

متن ولا قـراءةَ على مـأموم، وتُستحبُّ في إسرارِ إمامِهِ وسكوتِه، وإذا لم يَسْمَعْه لِبُعْدٍ لا لِطَرَشٍ

There is no recitation for the *ma'mūm*. It is recommended that they recite when the *imām* recites silently, when he is quiet or when he is so far that the follower cannot hear him. He should not do so due to being hearing impaired.

"There is no recitation for the *ma'mūm*": The *imām's* recitation of Sūrah al-Fātihah represents the recitation of the followers (*ma'mūm*) for both the silent and audible prayers. The evidence for this is the hadīth, "Whoever is led by an *imām*, his reading is borne by the *imām*,"[724] and the words of Allah ﷻ: **{So when the Qur'ān is recited, then listen to it and pay attention that you may receive mercy.}**[725] Imām Ahmad said, "This ayah was revealed pertaining to prayers."[726] So the *ma'mūm* listens to the *imām* when he recites and says *amīn* when he concludes his recital. This is to symbolize that he too read Sūrah

723 Reported by al-Bukhārī (1/198-199) from the narration of Abu Bakrah.

724 Reported by Ahmad (3/339) and Ibn Mājah (850) from the narration of Jābir ibn 'Abdullah.

725 Al-A'rāf: 204

726 See *al-Mughnī* (2/261).

al-Fātihah.

"It is recommended that they recite when the *imām* recites silently, when he is quiet": It is recommended that one reads Sūrah al-Fatihah when the *imām* is silent e.g. when he is silent just after saying *takbīratul ihram* and before reading Sūrah al-Fātihah, just after reciting al-Fātihah and when he is silent just before going to the *ruku'* position. Also there is often silence between *ayāt*. The *ma'mūm* should be alert to these silent moments and read his own Sūrah al-Fātihah during them.

"Or when he is so far that the follower cannot hear him": This is the second scenario. If he is at the back rows and cannot hear the *imām's* recitation, he can recite al-Fātihah for he does not hinder the *imām's* recitation as he is too far. Hence, there are three situations in which the *ma'mūm* may read Sūrah al-Fātihah: (i) during the silent prayers, (ii) whenever the *imām* is silent during the audible prayers and (iii) when he cannot hear the *imām*.

"He should not do so due to being hearing impaired": If someone is near the *imām* and cannot hear his recital due to hearing impairment, he is not allowed to read whilst the *imām* is reciting.

متن

وَيَسْتفتحُ ويتعوذُ فيما يَجْهرُ فيه إمامه. ومن ركعَ أو سجدَ قبلَ إمامِه فعليه أن يَرْجعَ ليأتيَ به بعده، فإنْ لم يَفْعلْ عمداً بَطَلَتْ، وإن ركعَ ورفع قبل ركوع إمامه عالماً عَمْداً بَطلَتْ، وإن كان جاهلاً أو ناسياً بطلت الركعةُ فقط، وإن رَكعَ ورَفعَ قبل ركوعِهِ ثم سجدَ قبلَ رَفْعِهِ بطلتْ إلا الجاهلَ والناسيَ، ويصلِّي تلك الركعةَ قضاءً

He should read the *istiftah* (the opening *du'a*) and seek refuge (*isti'adhah* i.e. "*a'uthu bi'llāhi min al-shaytānir rajīm*") for what the *imām* is going to recite audibly. Whoever makes *ruku'* or *sujūd* before the *imām* should return back to the same position so that he follows the *imām*. If he deliberately does not do so, then it is nullified. If he made *ruku'* and raises his head after *ruku'* before the *imām* made his *ruku'*, then his prayer is invalid if done with knowledge and on purpose. If he was oblivious to it or did it in forgetfulness, then only the *rakāt* is nullified. If he made the *ruku'*, raised up his head before the *imām* made his *ruku'* and then proceeded to make *sujūd* before the *imām* could raise after *ruku'*, then the prayer is nullified unless done in a state of obliviousness and forgetfulness, in which case (i.e. in the state of oblivious-

ness and forgetfulness) that one *rakāt* must be made up.

"He should read the *istiftah* (the opening *du'a*) and seek refuge (*isti'adhah* i.e. "*a'uthu bi'llāhi min al-shaytānir rajīm*") for what the *imām* is going to recite audibly": It is recommended for the *ma'mūm* to read *du'a al-istiftah* and *isti'adhah* in the audible prayers. *Istiftah* and *isti'adhah* are not borne by the *imām*. In contrast, the recitation of Sūrah al-Fātihah is borne by the *imām*, so the *ma'mūm* does not have to recite it.

"Whoever makes *ruku'* or *sujūd* before the *imām*": It is forbidden for the *ma'mūm* to precede the *imām*. The Prophet ﷺ said, "Does not he who raises his head before the *imām*, fear that Allah will change his head into a donkey's head or change his features into that of a donkey."[727]

Below is an elaboration:

Firstly: If he precedes the *imām* in making the *takbīratul ihram*, then his prayer cannot be considered as one. This is because he commenced his prayer before the *imām* did.

Secondly: If he precedes the *imām* in a *rukn* movement e.g. he made *ruku'* before the *imām*, then it is mandatory for him to return back to the standing position and repeat the *ruku'* only after the *imām* has done so. However, if the *imām* catches up with him in the *ruku'* position and the *ma'mūm* had deliberately not made an effort to return to the standing position, then his prayer becomes invalid. If he had not stood due to forgetfulness or because he has no knowledge that this rectification should be done, then his prayer is valid. This is if a *rukn* movement was preceded.

Thirdly: When he precedes one *rukn* movement, e.g. he precedes the *imām* in making *ruku'* and then proceeds to raise his head before the *imām* made his *ruku'*, then his prayer is nullified provided that he deliberately did this. If he had forgotten or was ignorant about it, then only the *rakāt* becomes invalid. When the *imām* makes the *taslīm* to conclude the prayer, he gets up to make up one *rakāt*.

727 Reported by al-Bukhārī (1/177) and Muslim (2/28) from the narration of Abu Hurairah.

Fourthly: When he precedes two *rukn* movements, as in when he makes *ruku'* before the *imām*, stands erect and then proceeds to make *sujūd* even before the *imām* made his *ruku'*. He must return back to the *ruku'* position and do the *ruku'* and *sujūd* after the *imām*. If he avoids doing so on purpose, his prayer is nullified. However, if he had forgotten or is ignorant, then it nullifies only the *rakāt*. He has to make it up after the *taslīm* of the *imām*.

Fifthly: When he precedes the *imām* in making *taslīm* and does so deliberately, his prayer becomes invalid. If done forgetfully or he is ignorant, then he must repeat his *taslīm* after the *imām*. His prayer is valid.

متن ويسنُّ للإمام التخفيفُ مع الإتمام وتطويلِ الركعةِ الأولى أكثر من الثانيةِ، ويُسْتحبُّ انـتظارُ داخلٍ إن لم يَشُقَّ على مأمومٍ

It is Sunnah for the *imām* to make the prayer brief but complete and to make the first *rakāt* longer than the second *rakāt*. It is recommended that the *imām* delay such that the latecomer may join the prayer provided it does not burden those already praying.

It is recommended that the *imām* incorporate the below details in his prayer:

Firstly: "It is Sunnah for the *imām* to make the prayer brief but complete": The *imām* should make the prayer brief taking into account the affairs of the congregation. However it should be complete i.e. concise yet not imbalanced. He prays with the minimum requirements of the *tasbīh* in the *ruku'* and *sujūd* for a complete prayer. He reads a short *sūrah* after reading al-Fātihah. He does not lengthen the recitation. However, if he prays alone, he lengthens his prayer as he wishes.

Secondly: "And to make the first *rakāt* longer than the second *rakāt*": It is recommended to make the first *rakāt* longer than the second for *zuhr*, '*asr* and '*ishā* prayers.

Thirdly: "It is recommended that the *imām* delay such that the latecomer may join the prayer": It is recommended that when the *imām* makes *ruku'*, he should not rush to raise himself up if there are latecomers. He should delay it so that they may catch up with him in *ruku'*.

Fourthly: "Provided it does not burden those already praying": The delay in the *ruku'* position should not burden those already praying. If it does, then the *imām* should not wait for the latecomers as the welfare of those already in the prayer is more important than others.

متن وإذا استأذنت المرأةُ إلى المسجدِ كُرِهَ مَنْعُها، وبيتُها خيرٌ لها

If a woman seeks permission to go to the *masjid*, it is disliked to prevent her, though her home is better for her.

"If a woman seeks permission to go to the *masjid*, it is disliked to prevent her, though her home is better for her": We mentioned earlier that congregational prayers are mandatory for men. As for women, it is not mandatory for them to pray in congregation. However, it is permitted for them to attend the congregation. The female companions of the Prophet ﷺ used to attend the congregational prayers with him.

He ﷺ said, "Do not prevent your women from visiting the *masjids*, but their houses are better for them [for praying]."[728] The prayer performed by a woman at her house is better than at the *masjid*. However, she is permitted to go to the *masjid* on the condition that she neither leaves her house wearing perfume nor adorns herself. Instead, she must be wearing the *hijāb* and be covered well. She should not mingle with men, hence the women should be situated in the back rows whilst the men should be at the front.

When these conditions are fulfilled, women can pray in the *masjid*. If any of the conditions are breached, it becomes impermissible for her to leave her house. If she does, it shall bring about strife and sedition (*fitnah*). If these conditions are laid down for leaving the house to participate in an act of worship, how is it that women go out to parties and malls not complying with the laws of *Shari'ah*?

728 Reported by Ahmad (2/76), Abu Dawūd (567) from the narration of Ibn 'Umar with the wording, "Do not prevent your women from going to the *masjid*. Their houses are better for them." Also reported by Ahmad (2/438, 475, 528) and Abu Dawūd (565) from the narration of Abu Hurairah with the wording, "Do not prevent the female slaves of Allah from going to the *masjids* of Allah. They should go out unadorned."

فصـــل
SECTION

متن الأولى بالإمامة الأقرأ العالم فقه صلاته، ثم الأفقه، ثم الأسن، ثم الأشرف، ثم الأقدم هجرة، ثم الأتقى، ثم من قرع، وساكن البيت وإمام المسجد أحق إلا من ذي سلطان

The more deserving in being the *imām*: the well-versed amongst them pertaining to the prayer, he who is more learned in *fiqh*, the eldest among them, the noblest, the earliest in *hijrah*, the most pious, the one picked from lot-casting and the resident of the house. The *imām* of the *masjid* is most deserving with the exception of those in authority.

"Section": This section explains the laws pertaining to choosing the *imām* to lead the prayer. Since congregational prayers require someone to lead the prayer, it is appropriate to state at this juncture the characteristics that an *imām* should have. This is because the *imāmat* (leadership) is a lofty position. Therefore, the *imām* must have certain traits so that he is fit to be an *imām*.

Two skills are required of the *imām*: (i) He must be skilful in reciting the Qur'ān for the prayer requires it. So this skill is a must. (ii) He must be learned in the sciences and laws pertaining to prayer. This is because he will be presented with situations which call for the intricate knowledge of the prayer. If he is not learned in it, he might bring the prayer to disrepute or he will not know how to rectify a predicament that occurs in the prayer. Therefore, he must be well-versed in the *fiqh* of prayer.

As to who is most deserving to be an *imām*, we know that:

<u>First</u>: If an *imām* has been officially appointed to lead the prayers, it is not permissible for another to do so while the *imām* is present, even if he is able to recite the Qur'ān better than the *imām*. This is because his appointment as the *imām* gives him the right to lead the prayer. The author had previously stated, "It is impermissible to lead a prayer in a *masjid* before the *imām* who is paid leads the prayer, unless he permits it or there is a valid excuse."

<u>Second</u>: Those of authority should lead the prayer and none surpasses them regarding this right for they have general authority over all matters; leading the prayer included. This is if the *masjid* does not have an official *imām* and the congregational prayer was attended by one in authority. He shall lead the prayer.

<u>Third</u>: The resident of the house. None is more deserving than him for leading the prayer in his house. The Prophet ﷺ said, "No man should lead another in prayer where the latter has authority, or sit enjoying one's hospitality in his house, without his permission."[729]

<u>Fourth</u>: "The well-versed amongst them pertaining to the prayer." "Well-versed" does not refer to the one who has memorised more of the Qur'ān. It refers to who is more learned regarding the art of *tajwīd* and articulation and who does not make grammatical errors while reciting it. He must have a good understanding of the prayer. He must be well-versed in the *fiqh* of prayer and the laws pertaining to it.

<u>Fifth</u>: "He who is more learned in *fiqh*." If two of them are equal in terms of recitation and understanding of the prayer, then he who possesses more knowledge of *fiqh* should be given precedence. He should know the *fiqh* of other aspects besides the prayer. The more knowledgeable a person is in *fiqh*, the more likely he is to solve issues that may arise in prayer itself.

<u>Sixth</u>: "The eldest among them." If any two people are equal in recitation of the Qur'ān, in knowledge of the prayer and *fiqh*, then the eldest of them should lead the prayer. The Prophet ﷺ said, "Let he who is the eldest amongst you lead the prayer."[730]

729 Reported by Muslim (2/133) from the narration of Abu Mas'ūd al-Badrī.

730 Reported by al-Bukhārī (1/162, 175), (9/107) and Muslim (2/134) from the narration of Mālik ibn al-Huwayrith.

Seventh: "The noblest." If they are equal in the other qualities, then the noblest in lineage should be given precedence. Perhaps he is from the *Ahl al-Bayt* (blood related to the Messenger ﷺ). He ﷺ said, "Send forth the Quraysh [to lead] and do not precede them."[731]

Eighth: "The earliest in *hijrah.*" If all other qualities are equal, then the person who made *hijrah* [to a Muslim land] is given precedence. If all of them are *Muhajirūn* and all the other qualities are equal, then he who made the migration to a Muslim land first should become the *imām*. He is indeed better than the rest for he made *hijrah* for the sake of Allah ﷻ before the others.

Ninth: "The most pious." If all other variables remain equal, then the most pious among them leads the prayer. Allah ﷻ says: **{Indeed, the most noble of you in the sight of Allah is the most righteous of you.}**[732]

Tenth: "The one picked from lot-casting." When all the other variables are equal, then a lot must be cast to determine who will become the *imām*. He whose lot is picked shall lead the prayer.

These points highlight the importance of the *imām* with regards to prayer. It also emphasises the nobility of leadership in prayer and its prestige.

متن

وحر وحاضر ومقيم وبصير ومختون ومن له ثياب أولى من ضدهم

The free man, the townsfolk, the resident, the sighted, the circumcised and he who has clothes on are more deserving than those are not.

"The free man": The free man has priority over the slave if both of them are equal in the aforementioned qualities. This is because the free man is more complete.

"The townsfolk": All qualities mentioned being similar, the males from the town have priority over the Bedouins. This is because the townsfolk are more knowledgeable regarding the laws than those living in the country.

731 Reported by Ibn Abī 'Āsim in *al-Sunnah* (2/637) from the narration of 'Abdullah ibn al-Saib. See *Fath al-Bārī* (13/118).

732 Al-Hujurāt: 13

"The resident": If there is a choice between the resident and the traveller, the former is chosen to lead for he will not shorten the prayer. The latter will shorten it. Therefore, the resident has priority over the traveller.

"The sighted": The sighted have priority over the blind as they can stand facing the direction of *qiblah*. The blind might have a problem finding the *qiblah* direction. The sighted will avoid impurities from themselves but the blind individual might step on impurities on his path and be oblivious to it.

"The circumcised": If one has the foreskin of his private part removed while another is uncircumcised, then the one who has circumcised has priority over the latter to lead the prayer. The circumcised man has more merit and with regards to purification is cleaner than the one possessing his foreskin.

"And he who has clothes on": He who is better covered by clothing and who covers more than the *awrah* has priority over one who is dressed covering only his *awrah*. The reasoning behind it is because this is sought for the prayer. Allah ﷻ says: **{O children of Adam, take your adornment at every *masjid*.}**[733]

متن **ولا تصح خلف فاسق ككافر**

Prayer is not valid when being led in prayer by a *fāsiq* which is similar to being led by a *kāfir*.

"Prayer is not valid when being led in prayer by a *fāsiq* which is similar to being led by a *kāfir*": The *imāmat* in prayer is not for the following:

<u>First</u>: *A fasiq.*

Fāsiq: This is a verbal noun (*ism fā'il*) that refers to a person who has abandoned the obedience to Allah ﷻ. "*Al-Fisq*" (the root word) linguistically means taking out. As in the sentence, "*fasaqati al-tamar*" (she took out the dates).[734]

The definition in the *Shari'ah* is abandoning the obedience to Allah ﷻ.[735]

733 Al-A'raf: 31

734 See *Mu'jam Miqāyas al-Lughah* by Ibn Fāris (4/502).

735 See *al-Mutla'* (p. 51).

Committing major sins is intended here. *Shirk* (ascribing partners to Allah) is excluded as is *kufr* (disbelief), meaning sins lower than these two. He who commits these major sins is known as a *fāsiq*. He is also called one deficient in faith as mentioned in books of *aqīdah* (creed). However, he is a Muslim but one who is deficient in faith. His prayer is valid but he should not lead a prayer as an *imām* for the people might follow him in wrongdoing.

There are two kinds of *fāsiq*:

Fāsiq in his creed: He could be a Mu'tazili, Asha'ri or a member of a heretical sect astray in matters of *aqīdah*. These people are *fāsiq* in *aqīdah*.

Fāsiq in his actions: E.g. one who consumes alcohol, kills and commits adultery. These are examples of *fisq* in actions.

A person belonging to either one or both categories of *fisq* is not eligible to be an *imām* (according to the *madhab*[736]) as the *imām* is a role model. The concerning factor is that others will emulate a *fāsiq* if he becomes an *imām*. Hence he should not lead prayers as the role of the *imām* can only be filled up by the trustworthy. A *fāsiq* is only taken as an *imām* if he is the officially appointed *imām* or he is the head of authority. We pray behind him in a congregation for the sake of solidarity.

The Companions of the Prophet ﷺ used to be led by governors who were *fāsiq* like Hajjāj and others. They used to pray behind them in congregational prayers so that they would be united. Another reason was that there should be no defiance against those in authority. If the *fasiq* was not a governor, he is ineligible for the role as *imām* and according to the Hanbalī *madhab*, him being the *imām* is something not valid.

The prayer of the *ma'mūm* becomes invalid if they pray behind an *imām* who has *fisq* that leads him to disbelief. Examples of actions that would cause this are: Sacrificing for the sake of others besides Allah, seeking help from the dead and other such abominable deeds done by those who worship graves in the current era. The *ma'mūm's* prayer is invalid for the prayer itself is nullified.

<u>Second</u>: A *kāfir*.

736 See *al-Kāfī* (1/182).

Kāfir (disbeliever): The consensus[737] is that prayer is not accepted if led by a *kāfir* even if he is well-versed in reciting the Qur'ān and has knowledge of *fiqh*. This is because his *aqīdah* is corrupted. Hence, all his deeds are invalid. Even his prayer is not valid. So the *ma'mūm's* prayer becomes invalid as a result of being led by a disbeliever or an apostate.

People become surprised and ask how or why would a *kāfir* pray? We reply that he could be an apostate while the people assume that he is a Muslim. A person who does an act which nullifies his faith is an apostate, i.e. if he invokes to anything besides Allah or sacrifices to anything besides Allah. Many people do these actions in the current era. They even sacrifice for the *jinn* and for dwellers of the grave. In our present times there are many people like this amongst the Muslims.

Similarly, if one ascribes to an ideology that has roots in disbelief like Marxism, secularism or the modernist movement, if he thinks these ideologies are correct or he does not consider disbelievers as disbelievers and doesn't disavow them, then he is like them. Neither is his prayer valid nor is his leading of the prayer.

متن ولا امـــرأةٍ وخُنْثَى للرِّجال، ولا صَبيّ لبالغ، ولا أخرسَ، ولا عاجزٍ عن ركوعٍ أو سجودٍ أو قعودٍ أو قيامٍ إلا إمامَ الحيِّ المَرْجُوَّ زوالُ علتِّه، ويصلُّون وراءه جلوساً ندباً، وإن ابتدأ بهم قائماً ثم اعتَلَّ فجلس أَتَمُّوا خَلْفَهُ قياماً وجوباً

Nor a woman, a hermaphrodite leading men, a child cannot lead those who have reached puberty, a mute, one who is unable to make *ruku'*, *sujūd*, stand or sit except he who is the *imām* of the district who has a hope of recovery. Those praying behind him are recommended to also pray sitting. If he begins the prayer in a standing position and then sits down later on, then it is mandatory for those following behind to stand throughout the prayer.

<u>Third</u>: A woman.

"Nor a woman": A woman cannot be an *imām* for men according to the Prophet's saying, "A woman shall not be an *imām* for a man."[738] However, she can

737 See *al-Mughnī* (3/32).

738 Reported by Ibn Mājah (1081) from the narration of Jābir ibn 'Abdullah.

be an *imām* for women. This is the view of the majority of scholars from the past until the present.[739] If men prayed behind a woman, their prayer is invalid.

Fourth: A hermaphrodite leading men.

"A hermaphrodite leading men": A hermaphrodite cannot be an *imām* for men. A hermaphrodite is someone whose gender is not clear i.e. they have both the male and female reproductive organs. There is not a distinct feature that can distinguish them as a male or female. They are known as complex hermaphrodites who cannot lead men in prayer.

Fifth: A child leading those who have passed puberty.

"A child cannot lead those who have reached puberty": A child who has not yet reached puberty cannot be an *imām* of those who have reached puberty. This is according to the *madhab* of Ahmad.[740] However, the correct view is that it is permissible for a child who has not reached puberty to lead those who have. The evidence for this is the hadīth of 'Amr ibn Salamāh[741] who used to lead the prayer with his townsfolk when he was only seven years old. This was during the lifetime of the Prophet ﷺ. Some Companions prayed behind the boy and the Prophet ﷺ did not denounce it.

Sixth: A mute.

"A mute": A mute cannot be the *imām* for those who are not.

Seventh: One who is unable to physically perform a *rukn*.

"One who is unable to make *ruku'*, *sujūd*, sit or stand": This person cannot be the *imām* as he is unable to do the *rukn* (pillar) acts of prayer for example standing in the prayer. His *imāmat* of the able bodied is not valid as he is unable to do the acts which are pillars.

"Except he who is the *imām* of the district who has a hope of recovery. Those

739 See *al-Mughnī* (3/37).

740 See *al-Insāf* (2/266).

741 Reported by al-Bukhārī (5/191).

praying behind him are recommended to also pray sitting." The *imām* mentioned here refers to the official *imām* who is paid a salary to lead the prayer. If he is faced with a predicament and he has to continue the prayers sitting down, then the prayer of the *ma'mūm* is valid under two conditions: Firstly, that the *imām* is the official *imām* who receives a salary for leading the prayer. Secondly, it is expected that he will soon recover from his disability.

"If he begins the prayer in a standing position and then sits down later on, then it is mandatory for those following behind to stand throughout the prayer": The *ma'mūm* should remain standing even when the *imām* sits after having commenced the prayer in a standing position. They should not sit down if the *imām* started the prayer in a standing position. It is mandatory for the *ma'mūm* to stand in this situation. However if the *imām* commences the prayer sitting, it is mandatory for the *ma'mūm* to sit.

The evidence for this is two incidents that happened to the Prophet ﷺ:

First incident: The Prophet ﷺ fell off his horse and lacerated his leg. While he was recuperating in his house, his Companions visited him and it was time for the prayer. The Prophet ﷺ led the prayer while he was seated and the Companions stood in prayer behind him. The Prophet signalled them to sit down and so they sat to pray. When he concluded the prayer with *taslīm*, he said, "You nearly did what the Persian and Romans do; they stand for their emperors while the latter are seated."[742] The Prophet ﷺ forbade them to stand in

742 Reported by Muslim (2/19) from the narration of Jābir ibn 'Abdullah with this wording, "The Messenger of Allah ﷺ was ill and we said prayer behind him and he was sitting. And Abu Bakr was making audible to the people his *takbīr*. As he paid his attention towards us he saw us standing and (directed us to sit down) with a gesture. So we sat down and said our prayer with his prayer in a sitting posture. After uttering the salutation he said, 'You were at this time about to do an act like that of the Persians and the Romans. They stand before their kings while they sit, so don't do that; follow your *imāms*. If they perform the prayer standing, you should also do so, and if they pray sitting, you should also pray sitting.'"

Also reported by Muslim (2/18) from Anas with the wording, "The Messenger of Allah ﷺ fell off his horse when riding, and his right side was scraped, so he performed one of the prayers sitting, and we prayed behind him sitting. When he finished the prayer he said, 'The *imām* is appointed to be followed. If he prays standing, then pray standing, and when he goes into *ruku*, go into *ruku*, and when he rises, rise, and when he says, 'Allah hears whoever praises him,' say, 'Our Lord, praise belongs to You,' and if he prays sitting, then all of you pray sitting.'"

A similar worded hadīth is reported by al-Bukhārī (1/177, 186-187, 203) from the narration

prayer while he led it sitting down. He ordered them to sit down since he had commenced leading the prayer in a sitting position. In this case, it becomes mandatory for the *ma'mūm* to sit and pray from the beginning of the prayer.

Second incident: When he was on his deathbed, the Prophet ﷺ ordered Abu Bakr to lead the prayer. When he led the prayer, the Prophet ﷺ felt that he had regained some strength and so went out to join them in the prayer. He ﷺ walked through the rows and came to the left side of Abu Bakr while he was on the right side leading the Companions in prayer. The Prophet assumed the *imām's* position and sat down to lead the prayer. Abu Bakr and the Companions were now led in prayer by the Prophet ﷺ while they were standing.[743]

The first incident is evidence to show that if an *imām* commences the prayer in a seated position, then the *ma'mūm* should pray it sitting down as well. The second incident is evidence to prove that if the *imām* stood praying and due to a circumstance sat down whilst in the prayer, the *ma'mūm* should continue praying in a standing position.

This is the conclusion drawn from the two hadīth as compiled by Imām Ahmad.[744]

متن وتصحُّ خلفَ من به سَلَسُ البولِ بمثله، ولا تصحُّ خلفَ مُحدِثٍ ولا مُتنجسٍ يَعلمُ ذلك

Prayer is valid if those with incontinence are led by one who is also like them. It is not valid behind he who is unclean and he who is stained by impurities and is aware of it.

Eighth: The one suffering from incontinence should not lead the prayer except if his followers suffer from it.

"Prayer is valid if those with incontinence are led by one who is also like them": I.e. one who also has incontinence. Those with incontinence cannot control the flow of urine. However, they are not excused from prayer. They should only make ablution when they are about to perform their prayer. Their prayer is

of Anas ibn Mālik.

743 Reported by al-Bukhārī (1/169, 182-183) and Muslim (2/22-23) from the narration of 'Aishah.

744 See *al-Mughnī* (3/62-63).

valid even when urine passes out whilst they are praying. Allah says: **{So fear Allah as much as you are able.}**[745] One who has incontinence should not lead in prayer those who are not suffering from this condition. His *imāmat* is valid only if he leads fellow-incontinence sufferers.

<u>Ninth</u>: The unclean and one stained with impurities whilst being aware.

"It is not valid behind he who is unclean and he who is stained by impurities and is aware of it": The prayer is invalid if it is led by one who nullifies his *wudhū* while leading the prayer or who did not make *wudhū* to start with. Since his prayer is invalid, the *ma'mūm's* prayer becomes invalid provided they were aware that the *imām* was not in the state of *tahārah*. If they were unaware of it, the prayer of the *ma'mūm* is valid while the *imām's* prayer is invalid. The *ma'mūm* is excused in this case.

متن وتصحُّ خلفَ مِن به سَلَسُ البولِ بمثله، ولا تصحُّ خلفَ مُحدِثٍ ولا مُتنجسٍ يَعلمُ ذلك. فإن جَهل هو المأمومُ حتى انقضتْ صحَّتْ لمأمومٍ وحدَه. ولا تصحُّ إمامةُ الأمِّيِّ وهو مَنْ لا يُحْسِنُ الفاتحةَ.

If both the *imām* and *ma'mūm* are unaware that the *imām* is not in the state of *tahārah* until after the prayer, then only the prayer of the *ma'mūm* is valid. The *imāmat* of the unlettered (one who cannot read Sūrah al-Fātihah correctly) is invalid.

"If both the *imām* and *ma'mūm* are unaware that the *imām* is not in the state of *tahārah* until after the prayer, then only the prayer of the *ma'mūm* is valid": As for the *imām*, he must repeat his prayer. This is because 'Umar ibn al-Khattāb led the Muslims in *fajr* prayer. Later, he noticed signs of a wet dream on his clothes which he was unaware of earlier. He repeated his prayer but did not order the Muslims to do so. This was because the Muslims were unaware of his condition during the prayer.

<u>Tenth</u>: The unlettered.

"The *imāmat* of the unlettered": The definition of unlettered is given as, "One who cannot read Sūrah al-Fātihah correctly." The word unlettered in Arabic is

745 Al-Taghābun: 16

أمي which is derived from the word "*umm*" (mother). That is, he is in a pristinely naive state like a newborn. However, he is not excused from the prayer. He has to perform the daily prayers although he cannot recite al-Fātihah properly as the Prophet ﷺ said, "When you stand for prayer, make *takbīr*. If you can recite the Qur'ān do so, if not say "*alhamdulillāh*", "*lā ilāha illa Allah*" and "*Allahu akbar*" and then make *takbīr* and perform *ruku'*."[746] Prayer is obligatory upon him even though he cannot recite Sūrah al-Fātihah. He can say the *tahmīd*, *tahlil*, *tasbih* and *takbīr* as a substitute. However, he cannot lead in prayer those who are able to recite al-Fātihah.

متن

أو يُدْغِمُ فيها ما لا يُدْغَمُ، أو يبدل حرفاً، أو يَلْحنُ فيها لَحْناً يُحِيلُ المعنى، إلا بِمثْلِه، وإنْ قَدَرَ على إصلاحِهِ لم تصحَّ صلاتُه

Or if one stresses a word where it should not be, replaces a letter with another or mispronounces a word such that the meaning is altered. However, one who recites likes this can lead one who is similarly deficient. If he is able to rectify his recitation, then his prayer is invalid.

This is further elaboration of the meaning of the word "*ummi*" (unlettered). The unlettered is he who does not know al-Fātihah at all or he reads it with errors. He stresses words that should not be stressed and does not have any proficiency in *tajwīd* (the science of reciting the Qur'ān). His errors amount to him omitting a word from Sūrah al-Fātihah. This invalidates his recital of the whole *sūrah*.

"Replaces a letter with another": For example he pronounces the letter "*rā*" like the letter "*ghayn*".

"Or mispronounces a word such that the meaning is altered": Such as reading, "*alhamdulillahi rabbil 'ālimīn,*" reading "'*ālimīn*" instead of "'*ālamīn*", or reads "*iyyāki na'budu*" instead of "*iyyaka na'budu*". In the second example, instead of addressing Allah ﷻ the reader addresses a female (as *ka* refers to the second person masculine singular and *ki* to the feminine singular). Or "*sirāt alathīna an'amtu 'alayhim*" instead of "*an'amta*", the error being on the "*tā*". The meaning changes to, "The path of those whom I have favoured" instead of "whom You have favoured". The prayer of such a person is valid if he prays by himself.

746 Reported by Abu Dawūd (861) and al-Tirmidhī (302) from the narration of Rifā'ah ibn Rāfi'.

However, his *imāmat* is not valid and he is ineligible for the role as an *imām*. Having said this, we realise that not all errors in recitation change the meaning. For example if one was to read, "*alhamdulillāhi rabbal 'ālimīn*" with a *fatah* on the *ba*, the meaning does not change.

"However, one who recites likes this can lead one who is similarly deficient": I.e. if all of those who are praying, the *imām* and the *ma'mūm* have deficiency in their recital. In fact, one of them can lead the others if all of them cannot read the Qur'ān at all. Their prayer is valid though they are duty-bound to learn the Qur'ān if they have the capacity to do so. It is impermissible for them to remain in this ignorance. They must learn how to recite al-Fātihah at least for the prayer is invalid without its recital. If they are able to memorise another *sūrah* along with al-Fātihah, then their prayer becomes more complete.

"If he is able to rectify his recitation, then his prayer is invalid": I.e. if he has ample time for prayer and he has access to a teacher who can correct his reading while having the capacity to learn the correct way to read it. There is no excuse for this person to recite al-Fātihah in a deficient manner in his prayer. However, if time is constrained or there is no one who is able to teach him the correct recitation, then he may recite in the prayer in his current state.

متن وتُكرهُ إمامةُ اللحَّانِ والفَأْفَاءِ والتَّمْتَامِ ومَنْ لا يُفْصِحُ ببعضِ الحروف، وأَنْ يَؤُمَّ أجنبيةً فأكثرَ لا رجـلَ معهن

It is disliked that a person who makes grammatical errors in his recital leads a prayer. Likewise for those who repeat the "*fa*" or "*ta*" sound while reciting. Those who cannot pronounce words well are also disliked from becoming the *imām*. It is disliked that a non-related male lead the prayer when only women pray with him and there is no male relative present.

The *imāmat* of the following people is disliked:

Firstly: The one who makes grammatical errors in his recital. He does not know the meaning of what is recited and so easily commits grammatical errors e.g. making the *marfu'* into *mansūb* or the *mansūb* into *majrūr*.

Secondly: The one who repeats (i.e. stutters) on the "*fa*" and "*ta*" sound when reciting, they are known in Arabic as *al-fa'fāi* and *al-tamtāmi* respectively.

Thirdly: The one who cannot pronounce words well, due to a speech impediment or other such reasons.

Fourthly: A non-related male leading the prayer when only women pray behind him and there is no male relative present, or when a woman who is the *mahram* of the *imām* is not present amongst the women. This is due to the fear that *fitnah* will result from it.

متن أو قوماً أكثرُهم يكرهه بِحقٍّ. وتَصحُّ إمامةُ ولدِ الزِّنا والجُنْديِّ إذا سَلِمَ دينُهما

Or a person disliked to be the *imām* by the majority of people where their dislike is justified. The *imāmat* of the child born out of wedlock and the soldier is valid if they are pious people.

Fifthly: "Or a person disliked to be the *imām* by the majority of people where their dislike is justified": This is based on two conditions: (i) If the majority of the people dislike that a person becomes the *imām*. If only a minority of them dislike him, then his leading the prayer is not disliked. (ii) That the people's dislike for him is justified. For example, they find him deficient in some aspects of the *dīn*. If so, his leading the prayer is disliked as the Prophet ﷺ said, "The prayer of three people does not rise beyond their heads," one of them he mentioned was, "A person who leads the prayer though he is disliked by the people."[747]

"The *imāmat* of the child born out of wedlock and the soldier is valid if they are pious people": The child born out of wedlock can go on to become an *imām* provided that he is pious even though his birth was illegitimate. The focus is on his uprightness and not his origins. Similarly, the *imāmāt* of the soldier or policeman is valid. They have come under scrutiny because they are a source of authority over the people. However, if the soldier is a pious Muslim, then his leading the prayer is not disliked.

متن ومن يُؤدِّي الصلاةَ بمنْ يَقْضيها، وعكسُه، لا مُفْتَرِضٌ بِمُتنفِّلٍ، ولا مَنْ يصلِّي الظهرَ بمن يصلِّي العصرَ أو غيرَها

Or those who are praying on time being led by one who is making up a

747 Reported by al-Tirmidhī (360) from the narration of Abu Umāmah.

missed prayer or vice versa. However, invalid is the *imāmat* of one intending a *nafl* prayer leading the one intending an obligatory prayer and the one intending *zuhr* prayer leading those intending the '*asr* prayer or any other prayer.

"Or those who are praying on time being led by one who is making up a missed prayer": If one leads intending the current prayer but is followed by those who intend the prayer that has lapsed, this is valid. For example, the *imām* prays *zuhr* prayer which is the current prayer while one praying behind him intends *zuhr* which he missed on a previous day. When the *imām* makes the *taslīm*, the follower should get up to pray the current *zuhr* prayer as sequence in prayer is mandatory.

"Or vice versa": The person intending a prayer that has lapsed may lead those who intend to pray the current prayer. For example, the *imām* remembers that he missed his *zuhr* of the previous day and time comes for the *zuhr* prayer of the present day. He can pray in a congregation even though he intends the missed prayer. He should go on to perform today's *zuhr* prayer as soon as he makes *taslīm*.

"However, invalid is the *imāmat* of one intending a *nafl* prayer leading the one intending an obligatory prayer": The prayer is nullified in this case as the *imām* has an intention to pray an optional prayer while the *ma'mūm* has an intention for an obligatory prayer. The Hanbalī *madhab* considers it null and void[748] substantiating this with the saying of the Prophet ﷺ, "Verily, the *imām* is to be followed. Do not contradict him."[749] In this case mentioned, there is a big contradiction between the *imām* and the *ma'mūm* with regards to *niyyah* (intention).

The correct opinion however, is that it is permissible for one intending an obligatory prayer to stand praying behind an *imām* who has an intention to pray a *nafl* prayer and vice versa. This is proven by the actions of Mu'ādh. He used to pray with the Prophet ﷺ and then arrive at his village to pray with his clansmen.[750] He led the prayer intending a *nafl* prayer while the rest intended

748 See *al-Mughnī* (3/67).

749 Reported by al-Bukhārī (1/184) and Muslim (1/19) from the narration of Abu Hurairah.

750 Reported by al-Bukhārī (1/179) and Muslim (2/41, 42) from the narration of Jābir ibn 'Abdullah.

an obligatory prayer. When the Prophet ﷺ came to know about this, he did not order them to repeat their prayer. This is evidence to prove that praying an obligatory prayer led by an *imām* who is praying a *nafl* one is valid.

Similarly, the Prophet ﷺ prayed two *rakāt* of *salāt al-khawf* (prayer in the state of fear) with his Companions after which came another group of Companions who prayed the other two *rakāt* with him.[751] The first cycle of two *rakāt* prayed by the Prophet was an obligatory prayer while the second cycle of two *rakāt* was a *nafl* prayer. Both groups of Companions however had intended to pray the obligatory prayer. This proves that the prayer of one intending an obligatory prayer led by an *imām* with an intention to pray the *nafl* prayer is valid.

The reverse is also valid as illustrated by the incident where two men entered the *masjid* and sat down while the Prophet ﷺ was praying with his Companions. When he made the *taslīm*, the Prophet ﷺ asked them both regarding it. They replied that they had prayed beforehand their animals. He then said, "Do not do that. If you have prayed beforehand and arrived when the prayer is in progress, then pray with them for it is a *nafl* prayer for you."[752] This is yet another evidence to prove that the prayer of one intending a *nafl* prayer is valid when led by one who has intended an obligatory prayer.

Furthermore, in the hadīth mentioned above, "Verily, the *imām* is to be followed. Do not contradict him." The meaning of the Prophet ﷺ is, "Do not contradict him in actions and movements." It does not refer to the intention.

"And the one intending *zuhr* prayer leading those intending the *'asr* prayer or any other prayer": The prayer is invalid as one prayer is different from the other. However the correct opinion is that it is valid, *inshāllah*, as there is no evidence to prove a prohibition.[753]

751 Reported by Muslim (2/215) from the narration of Jābir ibn 'Abdullah.

752 Reported by Ahmad (4/160, 161), al-Tirmidhī (219) and al-Nasā'ī (2/113) from the narration of Yazīd ibn al-Aswad al-'Āmrī.

753 See *al-Mughnī* (3/68-69).

فصـــل
SECTION

متن

يقفُ المأمومُ خلفَ الإمامِ. ويصحُّ معه عن يمينِهِ أو عن جانبيهِ

The *ma'mūm* stands behind the *imām*. It is also acceptable that he stand on the right of the *imām* or besides him.

"Section": This is an explanation of where the *ma'mūm* should stand when in prayer.

"The *ma'mūm* stands behind the *imām*. It is also acceptable that he stand on the right of the *imām* or besides him": If there is only one *ma'mūm*, he should stand on the right side of the *imām*. When the Prophet ﷺ stood for the night prayer, Ibn 'Abbās stood alongside him. Ibn 'Abbās stood to the left of the Prophet ﷺ and so he pulled him over to his right.[754]

If they are more than one follower, than they should stand behind the *imām*. The Prophet ﷺ shifted both Jābir and Jabbār such that they stood behind him.[755] The Sunnah of the Prophet ﷺ was that he stood to lead the prayer while the Companions stood behind him. It is permissible for them to stand to the right of the *imām*. It is also permissible to pray on the *imām's* right and left whilst the *imām* is in the centre, especially when the space is confined. Ibn Mas'ūd prayed between 'Alqamah and al-Aswad. He said, "I saw the Prophet ﷺ doing

754 Reported by al-Bukhārī (1/46,185, 217) and Muslim (2/180) from the narration of Ibn 'Abbās.

755 Reported by Muslim (8/233-234) from then narration of Jābir ibn 'Abdullah.

so."[756]

متن لا قُدَّامَهُ ولا عن يَسارِه فقط، ولا الفَذُّ خلْفَه أو خلْفَ الصفِّ، إلا أن تكونَ امرأةً

Neither in front of him nor only on his left. One should not stand praying alone behind him or behind a row unless it is a woman.

"Neither in front of him": The *ma'mūm* should not stand in front of the *imām*. Prayer is nullified as this does not represent the act of following the *imām*.

"Nor only on his left": It is incorrect to stand on the left of the *imām* when there is nobody on his right. The Prophet ﷺ had in fact pulled Ibn 'Abbās from the left side to his right.[757]

"One should not stand praying alone behind him": The prayer of one who stands alone behind the *imām* is invalid.

"Or behind a row": The Prophet ﷺ saw a man praying alone behind a row of *ma'mūm* and ordered him to repeat his prayer. He said, "There is no prayer for him who prayed standing alone behind a row."[758]

"Unless it is a woman": If that individual praying by herself behind the row is a woman, her prayer is valid. This is because women should pray behind the rows of the men. Anas said, "The Prophet stood to pray and so an orphan and I stood in prayer behind him. Umm Sulaim was behind us."[759]

متن وإمامةُ النساءِ تقفُ في صفِّهنّ، ويليهِ الرجالُ ثم الصِّبيانُ ثم النِّساءُ، كجَنائزِهمْ

The *imām* from amongst the women stands within the row. Children stand behind men and women stand behind children. It is similar to their arrangement during the funeral prayer.

It is permissible for women to pray with men. They should stand behind the

756 Reported by Muslim (2/68, 69).

757 Ibid.

758 Reported by Ahmad (4/23) and Ibn Mājah (1003) from the narration of 'Alī ibn Shaybān.

759 Reported by al-Bukhārī (1/185, 220) from the narration of Anas.

men as the female companions of the Prophet ﷺ did.

"The *imām* from amongst the women stands within the row": It is permissible for women to pray in a congregation by themselves. One of them leads the prayer. However, it is best if the one who leads stands within the row. This was narrated by 'Aishah and Umm Salamāh.[760]

"Children stand behind men and women stand behind children. It is similar to their arrangement during the funeral prayer": If men, women and children gather for prayer to be led by an *imām*, the men should stand behind the *imām*. Children stand behind the men as stated by the Prophet ﷺ, "There shall stand behind me those who have attained discernment and the enlightened."[761] The women should stand behind the children. This was the position in the rows that they assumed during the time of the Prophet ﷺ. It is not permissible for women to stand alongside men in one row.

متن ومن لم يقفْ معه إلا كافرٌ أو امرأةٌ أو مَنْ عَلِمَ حَدَثَهُ أحدُهما أو صبيٌّ في فرضٍ فَفَذٌّ

If he is only accompanied in the row by a disbeliever, a woman, one who is stained with impurities and this is known to either of them, or a child during an obligatory prayer, then he is considered as standing alone.

There are those whose company in the row is not accepted. They are:

Firstly: "If he is only accompanied in the row by a disbeliever": I.e. there is none behind the row except him and a disbeliever like an apostate. Since the disbeliever's prayer is null and void, the Muslim's prayer is invalid as he is standing by himself behind the row. The Prophet ﷺ has said, "There is no prayer for him who prays alone behind the rows."[762]

Secondly: "A woman": I.e. he only has a woman beside him in the row. He is considered to be alone as a woman should not align herself with a male row. Therefore his prayer is invalid. The woman's presence in the row is inconsequential [as if he is standing alone].

760 Reported by 'Abdul Razzāq in his *Musanaf* (5086), al-Dāraqutnī in his *Sunan* (1/404) and al-Bayhaqī in his *Sunan* (3/131).

761 Reported by Muslim (2/30) from the narration of Ibn Mas'ūd.

762 Reported by Ahmad (4/23) and Ibn Mājah (1003) from the narration of 'Alī ibn Shaybān.

Thirdly: "One who is stained with impurities and this is known to either of them": He prays accompanied by a person who is not in the state of *tahārah*. If one or the other knows of this, then the prayer is invalid. The impure person's presence is discounted which means that the other is praying alone. Hence, the prayer of one performing it alone behind the row is invalid. However, if both of them are unaware of the impurities until the prayer is concluded, then the prayer is valid. He is excused for his ignorance.

Fourthly: "Or a child": If a child stands beside him to perform the prayer, then his prayer is invalid for the child cannot be compelled to maintain his position in the row.[763] However, the correct view is that there is nothing wrong with a child accompanying him in the row for the child's prayer is valid. Since his prayer is valid, then he must be compelled to maintain his position in the row as proven by Anas when he said, "An orphan and I stood behind him."[764] Referring to standing behind the Messenger ﷺ. The term "orphan" is only used to describe a child who has not reached puberty.

متن

ومن وَجَدَ فُرْجَةً دخلَها، وإلا عن يمينِ الإمام، فإن لم يُمكنْهُ فله أن يُنبِّهَ من يقومُ معه، فإذا صلَّى فَذّاً ركعةً لم تصحَّ، وإن رَكَع فَذّاً ثم دخَلَ في الصفِّ أو وَقفَ معه آخرُ قبلَ سجودِ الإمامِ صحَّتْ

Whoever sees a gap should fill it and if not he should join the row from the right side of the *imām*. If he is unable to join the row, then he should request one to join him. If he prays a *rakāt* standing alone in the row, then his prayer is invalid. If he makes *ruku'* while standing alone and then joins the row in front or a person joins him before the *imām* makes *sujūd*, then his prayer is valid.

"Whoever sees a gap should fill it": When the Muslims gather for prayer and the rows have been formed. If there is a gap in between the rows, it must be filled. If there isn't any gap then he should try to join to the right side of the *imām* if this is possible.

"If he is unable to join the row, then he should request one to join him": I.e. he should request one person from the front row to step back and join him at the

763 See *al-Insāf* (2/289).

764 Reported by al-Bukhārī (1/185-220) from the narration of Anas.

back to form a new row. This is done because there is a need, for this person cannot pray by himself at the back of the row.

"If he prays a *rakāt* standing alone in the row, then his prayer is invalid. If he makes *ruku'* while standing alone and then joins the row in front or a person joins him before the *imām* makes *sujūd*, then his prayer is valid": If he were to complete a whole *rakāt* praying alone behind the rows of the congregation, then his prayer is invalid. However, if he prayed by himself and another person joined him in prayer before the completion of the *rakāt*, then his prayer is valid. For example, he straightened from *ruku'* to find someone standing beside him in prayer. His prayer is now valid for he was not alone for the whole *rakāt*. Abu Bakrah joined the prayer while the Prophet ﷺ was in his *ruku'*. He made *ruku'* while he was alone behind the rows of the other Companions. Then he shuffled forward and merged with the rows. The Prophet ﷺ did not order Abu Bakrah to repeat his prayer.[765] This is because his lonely status was removed when he merged with the rows.

This is the end of the first volume. We will begin volume two with the manners of the *ma'mūm* following the *imām inshāllah*.

765 Reported by al-Bukhārī (1/198-199) from the narration of Abā Bakrah.

Volume two

فصـــل
SECTION

متن

يصحُّ اقتداءُ المأمومِ بالإمامِ في المسجدِ وإنْ لم يَرَهُ ولا مَنْ وراءَه إذا سمعَ التكبيرَ، وكذا خارجَه إن رأى الإمَامَ أو المأمومين إذا اتّصلتْ الصفوفُ

It is valid for the *ma'mūm* to follow the *imām* within the *masjid* even when the former does not see the latter or those behind him, as long as they can hear his *takbīr*. This also applies to those who are outside the *masjid* provided that they can see the *imām* or some of the *ma'mūm* and the rows are connected.

"Section": This section elaborates the laws pertaining to the following of the *imām* by the *ma'mūm*. In what circumstance is it valid and in what circumstances is it not?

"The *ma'mūm* following the *imām* is valid": If the *ma'mūm* is inside the *masjid*.

"Even when the former does not see the latter or those behind him, as long as they can hear his *takbīr*": This is because they are all inside the *masjid*. The Companions used to pray behind the Prophet ﷺ and they could not see him as there was a mat erected behind him. The Prophet ﷺ used to pray night prayers in a sheltered structure. The Companions used to come and pray behind him though they could not see through the mat shelter.[1] This proves that if there

1 Reported by al-Bukhārī (1/186), (8/34) and Muslim (2/188) narrated by Zayd ibn Thābit, who said that the Prophet ﷺ made a structure by using the leaves of date trees or of mats. The Messenger of Allah ﷺ went out to pray in it. People followed him and came to pray with him. Then they again came one night and waited (for him), but the Messenger of Allah ﷺ delayed in

is a barrier between the *imām* and the *ma'mūm* within the *masjid*, then it is inconsequential.

"This also applies to those who are outside the *masjid* provided that they can see the *imām* or some of the *ma'mūm*": If the *ma'mūm* is outside the *masjid* due to it being filled up, then his following the *imām* becomes invalid without two conditions: Firstly, he should be able to see the *imām* or those praying behind the *imām* (i.e. those who can see him). Secondly, the rows must be linked [without gaps in between]. This is because following the *imām* would be an impossible task if he can neither see the *imām* or those praying behind him.

متن **وتصحُّ خلفَ إمامٍ عالٍ عنهم**

It is valid if the *imām* prays on an elevated ground while the *ma'mūm* is not.

"It is valid if the *imām* prays on an elevated ground while the *ma'mūm* is not": If the *imām* stands to pray on a higher ground than those following him in the prayer, then there are two scenarios:

First scenario: There is at least one *ma'mūm* praying alongside the *imām* on the higher ground. It is permissible in this scenario, even when the elevation is great. It is as if the *imām* and some *ma'mūm* are praying on a higher floor while the rest of those following the prayer are on the lower floor.

Second scenario: If there is not even a single *ma'mūm* praying alongside the *imām* on the higher ground, then a slight elevation – not more than an upper arm's length like the height of a bench, a step of the *minbar* (pulpit) or some such tool – is pardoned. The Prophet ﷺ prayed with his Companions while he was on top of the pulpit. He went up and down.[2]

متن **ويُكرَهُ إذا كانَ العلوُّ ذراعاً فأكْثرَ كإمامتِه في الطَّاقِ، وتطوُّعِه موضعَ المكتوبةِ إلا مِنْ**

coming out to them. And when he did not come out, they raised their voices and threw pebbles at the door. The Messenger of Allah ﷺ came out in anger and said to them, "By what you have been constantly doing, I was inclined to think that it (prayer) might become obligatory for you. So you must observe prayer (optional) in your houses, for the prayer observed by a man in the house is better, except an obligatory prayer."

2 Reported by al-Bukhārī (1/105-106), (2/11) and Muslim (2/74) from the narration of Ibn Sa'd.

حاجةٍ، وإطالةُ قُعودِهِ بعد السَّلامِ مستقبلَ القِبْلَةِ

It is disliked if the elevation is more than the length of a *dhirā'a*[3] like the *imām* leading the prayer from the chamber. The Sunnah prayers prayed at the same position as the obligatory prayers unless there is a necessity. To prolong sitting facing the *qiblah* after saying the *taslīm*.

This is the explanation of the disliked acts which the *imām* should not do. They are:

First: "It is disliked if the elevation is more than the length of a *dhirā'a*": The act of being on a higher ground that is more than the length of a *dhirā'a* above the *ma'mūm*. The Prophet ﷺ said, "If a man leads the prayer, let him not stand on a higher ground than those following him."[4] Meaning higher than the length of a *dhirā'a*, which can be concluded by looking at the *ahadīth* pertaining to this issue.

Second: "Like the *imām* leading the prayer from the chamber": Similarly, leading the prayer from the *mihrāb* (chamber) is also disliked. When the *imām* enters the *mihrāb*, some of the followers will not be able to see him. The *imām* is to be followed, hence he should pray outside the *mihrāb* so that the followers are able to see him.

The *mihrāb* was included as a feature of the *masjid* by earlier generations because it indicated the *qiblah*. There is no harm including it in the *masjid*. Some students of knowledge are opposed to including it as a feature in the *masjid*. They claim that it is an innovation and they oppose the building of minarets too. They claim that the minarets are an innovation. However this is not the case because there are advantages in including these two features in the *masjid*. Moreover, there is no prohibition in including these features. Without these features, the *masjid* would not be distinguished from the houses or the wine stores.

They adopted these features for reasons that are now apparent to our eyes. These efforts of our fore-bearers from the Muslims should not be opposed. The features came with advantages aided by non-prohibition.

---

3 *Dhirā'a* in Arabic is from the elbow to the tip of the middle finger. See *al-Lisān* (8/92).

4 Reported by Abu Dawūd (598) from the narration of Hudayfah.

Third: "The Sunnah prayers prayed at the same place as the obligatory prayers": It is disliked for the *imām* to pray his Sunnah prayers at the same place that he performs his obligatory prayers. If he does so, people might think that the obligatory prayer has not ended. He who came late for the prayer will be confused. The Prophet ﷺ said, "Let not the *imām* pray at the spot where he performs his obligatory prayer until he leaves there."[5]

"Unless there is a necessity": Unless the *imām* has no choice but to perform his Sunnah prayers on the very spot he prayed the obligatory one. In this case, it is not disliked. For example, when a *masjid* is overcrowded, he may pray at the spot where he prayed the obligatory prayers. It must be pointed out that acts that are disliked are not deemed to be so if there is a necessity.

Fourth: "To prolong sitting facing the *qiblah* after saying the *taslīm*": It is disliked to keep facing the *qiblah* after the *taslīm* for the obligatory prayer and not face the *ma'mūm* instead. Doing so is against the Sunnah. The Prophet ﷺ used to make the *taslīm* and then seek forgiveness of Allah thrice. He would continue with the supplication, "*Allahumma anta al-salām, wa minka al-salām, tabārakta ya dhal jalali wal ikrām.*" (O Allah you are al-Salām and from you is *salām*, exalted are you, possessor of majesty and honour.)[6] He would read this whilst facing the *qiblah* and then he would turn around to face the Muslims or he would stand up and leave.

متن فإنْ كان ثَمَّ نساءٌ لبِثَ قليلاً لِينْصرِفْنَ، ويُكرَهُ وقوفُهم بين السَّواري إذا قَطَعْنَ الصُّفوفَ

If he has the intention to leave, let him hold back until the women leave. It is disliked for the *ma'mūm* to make a row where the pillars are such that the rows are disjointed.

"If he has the intention to leave, let him hold back until the women leave": If the *imām* has a habit of leaving immediately after the prayer or he has an important errand, it is permissible for him to do so. However, if there are women in the congregation, he should stay back until they leave. This will also allow him to check on the other men to prevent a mixing of men and women while leaving. The mixing of both genders only gives rise to *fitnah*.

5 Reported by Abu Dawūd (616) and Ibn Mājah (1428) from the narration of al-Mughīrah ibn Shu'bah.

6 Reported by Muslim (2/94) from the narration of Thawbān.

"It is disliked for the *ma'mūm* to make a row where the pillars are such that the rows are disjointed": The objective is to form rows that are joint and not form rows that have gaps in between them. The exception to this rule may arise due to over-crowding in the *masjid*. If there is no place available, then the *ma'mūm* may form a row that flanks the pillars.

فصـــل
SECTION

متن ويُعْذَرُ لتَرْكِ جُمُعةٍ أو جماعةٍ مريضٌ

He who is ill is excused from attending Friday prayer and the congregational prayers.

"Section": This section elaborates upon the factors which excuse one from attending the Friday prayer and congregational prayers. The *dīn* is easy, all praise be to Allah. He says: **{He has chosen you and has not placed upon you in the religion any difficulty.}**[7]

We have discussed that congregational prayer is mandatory. It is impermissible for a man to neglect praying in a congregation unless he has an excuse that is in accordance to Islamic legislation. It is not his prerogative to choose to pray in congregation or to do so at home.

To pray in congregation is an individual obligation unless he has a valid excuse recognised by Islam which prevents him from going to the *masjid*. Allah says: **{He has chosen you and has not placed upon you in the religion any difficulty.}**

These excuses are:

First: "He who is ill": One who has an illness which prevents him from attending the congregational prayer or the Friday prayer. Hence, he is pardoned

7 Al-Hajj: 78

and allowed to pray at his home. The evidence for this is the saying of the Prophet ﷺ: "There is no prayer for he who hears the call [to prayer] and does not respond to it except if he has an excuse." He was asked: "What is this excuse?" The Prophet ﷺ replied, "Fear or illness."[8]

When the Prophet ﷺ was taken ill, he ordered Abu Bakr ؓ to lead the prayers.[9] The Prophet ﷺ lay bedridden in his house due to the injuries sustained when he fell off his horse.[10] This is the proof that illness is an excuse for missing the Friday prayer and congregational prayers.

متن

ومُدافعٌ أَحَدَ الأَخْبَثَيْنْ، ومَنْ بحضرةِ طعامٍ محتاج إليه، وخائفٌ من ضياعِ مالِهِ أو فَواتِهِ أو ضَررٍ فيه

He who has an urgent need to urinate or defecate, he who is served food and has a need for it and he who fears that his wealth will be lost, pilfered or damaged.

Second: "He who has an urgent need to urinate or defecate": If one has an urgent need to answer the call of nature, it is a valid excuse for him to miss the congregational prayers and Friday prayer for he will not be able to concentrate on his prayer while in this state. He should use the toilet, make ablution and then join in the congregational prayer with the rest. If it has concluded, then he is excused for the Prophet ﷺ said, "There is no prayer for whom food has been served and those who have an urgent need to relieve themselves of the two impurities."[11]

Third: "He who is served food and has a need for it": When he is served food while he is hungry or he is longing for food, then he should satisfy his need. This is because going for the prayer in this condition would be futile for he will be thinking about food during the prayer. One is required to attend the prayer while his mind is free of any preoccupation. Only then can he concentrate on his prayer and be involved spiritually in it. The Prophet ﷺ said, "There is

8 Reported by Abu Dawūd (551) and Ibn Mājah (793) from the narration of Ibn 'Abbās.

9 Reported by al-Bukhārī (1/169, 182-183) and Muslim (2/22-23) from the narration of 'Aishah.

10 Reported by al-Bukhārī (1/177, 186-187, 203) and Muslim (2/18) from the narration of Anas ibn Mālik.

11 Reported by Muslim (2/78-79) from the narration of 'Aishah.

no prayer for whom food has been served." And he ﷺ said, "When dinner is served, begin with it."[12] I.e. eat it without delay.

<u>Four</u>: "And he who fears that his wealth will be lost, pilfered or damaged": If he fears that his wealth will be lost, stolen or there is imminent peril, then he should safeguard it. Muslims are commanded to preserve our wealth and not let it go to waste.

متن

أو موتِ قريبهِ أو علىٰ نفْسهِ من ضَررٍ أو سُلطانٍ أو مُلازمةِ غريم ولا شيءَ معه، أو من فواتِ رفقتِه، أو غلبةِ نُعاسٍ، أو أذىً بمطرٍ أو وَحلٍ، أو بريحٍ باردةٍ شديدةٍ في ليلةٍ مُظْلِمة باردةٍ

One who fears that his relative will perish, one who fears that he may be harmed or fears the *sultān*, one who is chased by his debtor when he has nothing to give, one who fears losing a travel companion, one who is very sleepy, one who may be harmed by rain, mud and very cold wind on a moonless night.

<u>Five</u>: "One who fears that his relative will perish": Due to an illness and there is no one else to care for the ailing person except him. Since the sick relative needs him, he is excused from the congregational prayers and can perform it where he is tending to the ill person.

<u>Six</u>: "One who fears that he may be harmed": He fears that he will be harmed if he goes to the *masjid*. If it rains and he and his clothes get soaked, he might fall ill. Hence, he may pray at his home so as to avoid the harm.

<u>Seven</u>: "Or fears the *sultān*": He fears that the *sultān* will harm him if he were to be seen. He may pray at his home. The Prophet ﷺ said, "One should not harm or be harmed."[13] Also Allah says: **{And has not placed upon you in the religion any difficulty.}**[14]

<u>Eight</u>: "One who is chased by his debtor when he has nothing to give": If

12 Reported by al-Bukhārī (1/171), (7/107) and Muslim (2/78) from the narration of Anas ibn Mālik and 'Aishah.

13 Reported by Ahmad (1/313) and Ibn Mājah (2341) from the narration of Ibn 'Abbās.

14 Al-Hajj: 78

he has debts that are unpaid and he is in dire straits, then he may pray at his home. Especially if his debtors are hounding him for the payment. This is a valid excuse to miss congregational prayers. However, if he has the means to repay the debt, then he is a procrastinator who no longer has a valid excuse to miss the prayers at the *masjid*.

Nine: "One who fears losing a travel companion": If by going to the *masjid* a person may be left behind by a travel companion, then it is permissible for him to pray wherever he is and not lose that companion. It is not permissible for a Muslim to travel alone.

Ten: "One who is very sleepy": If he is overcome by sleep, then he may pray at his home and then go to sleep since it will be futile for him to attend prayers at the *masjid* while he is sleepy. Not only will it be difficult for him, he will not be able to concentrate on the prayer as well.

Eleven: If it rains and he fears that he might fall ill if he gets wet by it, then he may pray at his home to avoid this.

Twelve: "One who may be harmed by rain": If he has fear due to extremely cold weather, then it is a valid excuse for him to pray at his home. The cold weather might be harmful to his health and it is also a difficult task attending prayer at the *masjid* during a cold period.

The proof for the last two excuses is that the Prophet ﷺ used to order the caller of prayer to say on a cold or rainy night, "Pray O people, in your dwellings."[15] Ibn 'Abbās ؓ used to do this and he was refuted as a result. He said, "One better than me did this (referring to the Messenger of Allah ﷺ). And I dislike ordering you to come out and expose you to the slippery surface and dirt."[16]

Thirteen: "Mud": That is, muddy ground between him and the *masjid* which he must cross over. In this case, he may pray at his home based on the narration by Ibn 'Abbās.

Fourteen: "And very cold wind on a moonless night": If this cold wind is harmful to him if he leaves for the *masjid*, then it is a valid excuse for him to

15 Reported by al-Bukhārī (1/163) and Muslim (2/147) from the narration of Ibn 'Umar.

16 Reported by al-Bukhārī (1/160) and Muslim (2/148).

pray at his home.

بـاب صـلاة أهـل الأعـذار
CHAPTER: PRAYER OF THOSE WITH EXCUSES

متن

تَلزمُ المريضَ الصلاةُ قائماً، فإن لم يستطعْ فقاعداً، فإن عَجزَ فعلى جَنْبِه، فإن صلَّى مُستلقياً ورجْلاه إلى القِبْلةِ صَحَّ

A sick person is obliged to pray standing up. If he is unable to do so, he may sit down and pray. If he is unable to even do that, he may pray on his side. If he lies down, then his feet should face the *qiblah*.

"Chapter: Prayer of those with excuses": Prayer is the second commandment of Islam. It is the foundation of Islam and the first thing to be questioned about on the Day of Judgement. So long as a Muslim is sane, then it is obligatory upon him or her to perform the obligatory prayers. It is not excused for any reason whatsoever. A person should pray it according to his ability. Allah says: **{So fear Allah as much as you are able.}**[17] Those who have a valid excuse, should pray to the best of their ability.

There are three types of people with valid excuses: The sick, the traveller and those who are afraid.

<u>First</u>: The sick and it is said above, "A sick person is obliged to pray standing up." This is if he is able to stand. The evidence for this is the ayah: **{Stand before Allah, devoutly obedient.}**[18]

Standing whilst praying the obligatory prayers is a pillar (*rukn*). The prayer is

17 Al-Taghābun: 16

18 Al-Baqarah: 238

invalid if one does not do so while having the capacity to stand.

"If he is unable to do so, he may sit down and pray": He may sit down to pray only because he is incapable of standing.

"If he is unable to even do that, he may pray on his side": Preferably on the right side while facing the *qiblah.* He gestures with his head to indicate bowing and prostration, and the prostration is distinguished by bending the head lower when compared to the bowing.

"If he lies down, then his feet should face the *qiblah*": This is based on another version of the hadīth that states, "A sick person is obliged to pray standing up. If he is unable to do so, he may sit down and pray. If he is unable to even that, he may pray on his side,"[19] where the following was added, "If he lies down, then his feet should point to the *qiblah.*"[20]

متن **ويُومِئُ راكعاً وساجداً ويَخفِضُه عن الركوعِ، فإن عجز أَوْمَأَ بعينِهِ، فإن قَدَرَ أو عجزَ في أثنائِها انتقلَ إلى الآخر**

He gestures to indicate bowing and prostration where he bends his head lower to indicate prostration. If he is unable to gesture, then he blinks his eye to indicate both movements. If he gains or loses the ability to gesture in either way while praying, he adopts the method appropriate for his current condition.

"He gestures to indicate bowing and prostration where he bends his head lower to indicate prostration": He bends his head to indicate bowing and says, "*Subhāna rabī al-azīm*" (glory be to my Lord, the Most Exalted). He then bends his head to indicate prostration and says, "*Subhāna rabī al-a'lā*" (glory be to my Lord, the Most High). He bends his head lower for prostration than for bowing. Allah says: **{So fear Allah as much as you are able.}**[21]

"If he is unable to gesture, then he blinks his eye": If he is unable to gesture

19 Reported by al-Bukhārī (2/60) from the narration of 'Imrān ibn Hussain.

20 Reported by al-Dāraqutnī in *al-Sunan* (2/42-43) and al-Bayhaqī in *al-Sunan al-Kubrā'* (2/307-308) from the narration of 'Alī ibn Abu Tālib.

21 Al-Taghābun: 16

with his head, then he should gesture with the eyes. However, the correct view is that he should not gesture with the eyes.[22] There is no evidence for this action. The hadīth includes the words, "And he gestures with his head to indicate *ruku'* and *sujūd*."[23]

"If he gains or loses the ability to gesture in either way while praying, he adopts the method appropriate for his current condition": Similarly, if he commences his prayer while standing up then he becomes unable to stand, he may sit down to complete the prayer. The same is the case for the opposite, if he commences the prayer sitting down due to an illness and subsequently gains the strength to stand and pray, then he is obliged to stand up to complete the prayer.

متن **وإن قَدَرَ على قيام وقُعودٍ دونَ ركوع وسجودٍ أَوْمَأَ بركوعٍ قائماً وبسجودٍ قاعداً، ولمريضٍ الصلاةُ مستلقياً مَع القُدْرةِ على القيامِ لمداواةٍ بقولِ طبيبٍ مسلمٍ**

If he is able to stand and sit but cannot make *sujūd* and *ruku'*, he can gesture the *ruku'* whilst standing and the *sujūd* whilst sitting. The sick person can pray lying down though he is able to stand so as to receive treatment as advised by a Muslim doctor.

"If he is able to stand and sit but cannot make *sujūd* and *ruku'*, he can gesture the *ruku'* whilst standing and the *sujūd* whilst sitting": If he is able to stand but cannot make *ruku'*, he can do so standing up by tilting his head down. Since he is able to stand, he must do so in prayer. As for *ruku'*, gesturing with the head shall suffice. If he is unable to make *sujūd*, he may sit and gesture his head towards the ground to indicate *sujūd*.

"The sick person can pray lying down though he is able to stand so as to receive treatment as advised by a Muslim doctor": If the sick person is able to stand but a Muslim doctor orders that he lie down to receive treatment, then he should follow the doctor's orders. It becomes permissible for him to pray in a supine position. He may gesture with his head to indicate *ruku'* and *sujūd*.

The condition that the doctor be a Muslim is due to the fact that prayer is an act of worship in Islam of which disbelievers will not place emphasis upon.

22 This is the *madhab* of Imām Abu Hanīfah and a narration is attributed to Imām Ahmad. Shaykh al-Islam ibn Taymiyyah preferred this view. See *al-Ikhtiyārāt al-Fiqhiyyah* (p. 72).

23 This is part of the hadīth narrated by 'Alī which was mentioned earlier.

متن ولا تصحُّ صلاتُه في السفينةِ قاعداً وهو قادرٌ على القيامِ، ويصحُّ الفرضُ على الراحلةِ خشيةَ التأذّي بالوحلِ لا للمرض

His prayer on board a ship prayed in a sitting position while he has the capability to stand becomes invalid. Obligatory prayers prayed on board a vehicle are valid if one fears getting mud-stained but not due to illness.

"His prayer on board a ship prayed in a sitting position while he has the capability to stand becomes invalid": This is because a ship is exactly like a room. Praying a complete prayer normally can be achieved on board it.

"Obligatory prayers prayed on board a vehicle are valid if one fears getting mud-stained but not due to illness": Obligatory prayers in general are not allowed to be prayed on vehicles unless there is a valid excuse. An example of an excuse would be that the ground is flooded after a heavy downpour and if one prayed on the ground he would be soaked by the water. In this scenario, he may pray on the vehicle.

In a hadīth narrated by Ya'la ibn Murrah, the Prophet ﷺ was with his Companions on a journey. It rained and the ground was wet. So he ﷺ ordered that the *adhan* be called and the *iqāmah* was pronounced. The Prophet ﷺ led the prayer while seated atop his camel and the rest of the Companions followed him in prayer.[24] This was done only because of a dire need and a predicament they faced.

"But not due to illness": It is not permissible to pray on a vehicle due to an illness unless he would be unable to climb back onto the vehicle if he were to climb down to perform his prayer. In this situation, it is permissible for him to pray while atop his vehicle.

24 Reported by Ahmad (4/173) and al-Tirmidhī (411).

فصـــل
SECTION

متن

من سافر سفراً مباحاً أربعة بُرُدٍ سُنَّ له قَصْرُ رُباعيَّةٍ ركعتينِ

Whosoever travels on a permitted journey the distance of four *burud*, it is a Sunnah for him to shorten the four *rakāt* prayers to two *rakāt*.

"Section": This is the second section relating to concessions due to excuses.

"Whosoever travels": Now we move on to excuses pertaining to travelling. Allah, the Most High, said to His Prophet ﷺ: **{And when you travel throughout the land, there is no blame upon you for shortening the prayer.}**[25]

The meaning of *darabtum* in the above *ayah* means to embark upon a journey. The traveller can shorten prayers consisting of four *rakāt* to two *rakāt*. However, *maghrib* should not be shortened for it is the daytime *witr* and the *fajr* prayer also remains as it is.

The Messenger ﷺ used to shorten the prayer throughout the course of his journeys from the point he left Madīnah until he returned.

The traveller should only shorten his prayer if the following two conditions are present:

First: "Permitted journey": The journey must be in accordance to Islamic legislation. If it involves matters that are prohibited in Islam, for example, he

25 Al-Nisā: 101

who travels to visit graves, then it is deemed a forbidden travel. This kind of journey may lead to *shirk* (ascribing partners to Allah). Another example is if one travels to engage in decadence and immorality in other countries. This is tantamount to a sinful travel. In both examples, the concession to shorten the prayer is revoked.

Second: "The distance of four *burud*[26]": This is the lower limit for what constitutes a journey (*safar*). Four *burud* is a distance travelled in two days which is equivalent to two *marhalah*. The Prophet ﷺ said, "A woman who believes in Allah and the Last Day is not permitted to travel a distance of two days unless she is with a *mahram* (male relative)."[27]

The Prophet set the limit for what constitutes a journey in which a woman must be accompanied by her *mahram* as a distance travelled in two days. This limit defines what a journey is technically. Anything short of that is not considered a journey. Two *marhalah* are equivalent to eighty kilometres. A journey is measured in distance and not time. If one travels eighty kilometres in an hour, he may shorten his prayers.

So we can conclude that the Prophet had intended forty kilometres of travel per day when he set two days as the limit for a journey. Which makes a total of eighty kilometres. Shortening prayers on a journey less than this distance is not permitted for it is not considered a journey [in the technical sense related to shortening the prayer].

"It is a Sunnah for him to shorten the four *rakāt* prayers to two *rakāt*": This is an elaboration of the ruling for shortening prayers. It is considered as Sunnah by the majority of scholars.[28] Shortening of the prayers (*qasr*) is not *wājib*. If one decides to pray the full prayer during his journey, it is valid. Allah says: **{And when you travel throughout the land, there is no blame upon you for shortening the prayer.}**[29] The word *junāhun* (there is no blame) in this ayah indicates choice which means that it is not *wājib*.

---

26 It is the plural of *barīd* which is equivalent to twelve miles. So four *burud* is approximately forty miles (in Hashemite metric measurements). See *al-Lisān* (3/86).

27 Reported by al-Bukhārī (3/25, 26) and Muslim (4/102) from the narration of Abu Sa'īd al-Khudrī.

28 See *al-Insāf* (2/314).

29 Al-Nisā: 101

متن

إذا فارقَ عَامِرَ قَرْيتِهِ أو خِيامَ قَومِهِ

If he departs from the buildings of his city or the tents of his clan.

"If he departs from the buildings of his city": This is the third condition for shortening the prayer, that is, one must depart from the buildings. A journey is not deemed as one if he does not depart the buildings of his city. If he is within the confines of the city, then it is not considered a journey even though he is on the move with an intention to travel. The word *safar* in Arabic means, "Going away from dwellings." The Prophet ﷺ used to shorten his prayers only when he left the city up until the point he entered the city.[30]

"Buildings of his city": This is in reference to the dwelling places of the city.

"Or the tents of his clan": If they are nomadic tent-dwellers, then this replaces buildings with regards to the condition for shortening prayers.

The fourth condition is that one should make the intention to shorten his prayer when he does the *takbīratul iḥrām*. Let us recap the four conditions for shortening prayers:

Firstly: The journey must be a distance of at least two days travel.

Secondly: The journey must be for a permissible purpose.

Thirdly: The journey should take him beyond dwelling places of his city.

Fourthly: Intention to shorten the prayer must be made while doing the *takbīratul iḥrām.*

متن

وإنْ أَحرمَ حَضَراً ثم سافرَ أو سَفراً ثم أقامَ أو ذَكرَ صلاةَ حضرٍ في سفرٍ أو عَكْسَها

If he made the *takbīratul iḥrām* as a resident then travels, or as a traveller and then he reached his city, or if he remembered during his journey that he missed a prayer as a resident or vice versa.

30 Authenticated by the hadīth narrated by Anas ibn Mālik as reported by Muslim with the words, "The Prophet ﷺ used to shorten his prayers after traveling three miles (three *farāsikh*)."

The following scenarios indicate when a traveller should pray the full prayer and they are eleven in total:

<u>First</u>: "If he made the *takbīratul iḥrām* as a resident then travels": This refers to the instance where one makes the *takbīratul iḥrām* with the intention of a resident and then travels whilst still in that prayer. An example would be when a ship is still in the vicinity of his land and after he made the *takbīr* the ship left his land. In this case, the individual should perform the prayer in full for he had intended it as a resident, not having left his land.

<u>Second</u>: "Or as a traveller and then he reached his city": The ruling for the opposite situation is similar to the above. If he made the *takbīratul iḥrām* while still on a journey but reached his city before he concluded the prayer. He should also pray it in full and not shorten it. An example would be when a plane lands at the local airport while he is still praying. He must perform his prayer in full.

<u>Third</u>: "Or if he remembered during his journey that he missed a prayer as a resident": It is not permissible for him to shorten this prayer, rather he prays it during his journey in full and it is mandatory to do so in this manner. This is because what is taken into consideration is the obligation of that prayer and not the time in which it is performed.

<u>Four</u>: "Or vice versa": That is, he remembers after the completion of his journey that he had missed a prayer. In this situation, he must perform it in full. This is because what is taken into consideration in this situation is the performance of the prayer and not the time in which it was due. The *asl* is that it is performed completely, thus one must return to the *asl*.

متن أو ائتمَّ بمُقيمٍ أو بمن يشكُّ فيه، أو أحرم بصلاةٍ يَلزمُه إتْمامُها ففسَدتْ وأعادَهُ

Or if he has to pray in full if lead by a resident in prayer, if he is unsure if the *imām* [is a resident or traveller], or if he made an intention to pray in full but it was nullified and he repeated the prayer.

<u>Five</u>: "Or if he has to pray in full if lead by a resident in prayer": The author explains other instances where the prayer has to be performed by the traveller in its complete state. When a traveller prays behind an *imām* who is a resident

then he should follow the actions of the *imām* by performing the full prayer. The Prophet ﷺ said, "Verily the *imām* is to be followed, so do not contradict him."[31]

When Ibn 'Abbās ؓ was asked about it, he replied, "This is the Sunnah."[32] In this statement he is referring to the Messenger's Sunnah of the traveller performing the full prayer behind the resident. When 'Uthmān ؓ performed the prayers in full at Mina even as the other Companions preferred to shorten the prayer, they prayed it in full when lead by 'Uthmān. Amongst the Companions who did so was Ibn Mas'ūd ؓ.[33]

Six: "If he is unsure if the *imām* [is a resident or traveller]": He should perform the prayer in full in this situation for the *asl* is that the prayer is to be performed fully.

Seven: "Or if he made an intention to pray in full but it was nullified and he repeated the prayer": That is, he repeated the prayer while on a journey. Since he had prayed the initial prayer as a resident and it was nullified, repeating it should be in full too, his current journey notwithstanding. This is because the repayment has to be in the form of the initial prayer.

متن

أو لم يَنوِ القَصْرَ عند إحرامِها، أو شكَّ في نِيَّته، أو نوى إقامةً أكثرَ من أربعةِ أيام، أو ملاَّحاً معه أهلُه لا يَنْوِي الإقامةَ ببلدٍ لزمَهُ أن يُتِمَّ

If he did not intend to shorten it during the *takbīratul ihrām*, if he is in doubt of his intention, if he intended staying put in his destination for more than four days, or if he is a sailor whose family travel with him and who does not intend to stay put in any one place. These people must perform the prayer in full.

Eight: "If he did not intend to shorten it during the *takbīratul ihrām*": A traveller who does not intend to shorten the prayer during the *takbīr* but rectifies his intention later on still has to offer the full prayer. He must do so since one of the conditions for the shortening was not present: the intention at the point

31 Reported by al-Bukhārī (1/184) and Muslim (2/19) from the narration of Abu Hurairah.

32 Reported by Ahmad (1/216).

33 Reported by al-Bukhārī (2/35) and Muslim (2/146) from the narration of Ibn Mas'ūd.

of the *takbīratul iḥrām.*

However, the correct view, *inshāllah*, is that he may shorten his prayer for he is in the state of traveling. Furthermore, there is no evidence that stipulates that the shortening of prayer requires a specific intention during the *takbīratul iḥrām.*[34]

Nine: "If he is in doubt of his intention": I.e. he is confused if he intended shortening of the prayer or not at the point of the *takbīratul iḥrām*. In this situation, he must offer the prayer in full for the default intention is to pray it in its original form.

Ten: "If he intended staying put in his destination for more than four days": Can a traveller shorten his prayer if he stays put at his destination? The answer is elaborated below:

Firstly: If he intends less than four days, then he may shorten his prayer for he has not violated the limits that constitute a journey. The basic principle is that a traveller may shorten the prayer.

Secondly: If he decides to take up residence at his destination for an unlimited number of days and he is residing so as to achieve an objective from his journey that he does not know when it will come to fruition, then he may shorten his prayer even if he has to remain a long time at that city. This is possible because he did not set out with a fixed number of days in mind for his journey. In fact, he had only intended to achieve the objective of his journey and satisfy his need.

Thirdly: If he intended to reside more than four days, then he must perform his prayers in full for the resident is obliged to perform the complete prayer without shortening. The Prophet ﷺ arrived at Makkah for the Farewell Hajj on the morning of the fourth of Dhul Hijjah. He stayed at al-Abtah on the fourth, fifth, sixth and seventh. These make up four days. On the eighth or what is known as the day of *tarwiyah*, he moved on to Mina. He used to shorten his prayer throughout this period.

This is proof that if one intends to reside for a period of four days, he may

34 See *al-Mughnī* (3/119).

shorten his prayer. For any period more than four days, he must perform the prayers in full. We have set four days as the limit for it was the example set by the Messenger ﷺ during the Farewell Hajj. Some people cite that the Prophet ﷺ shortened his prayer for more than ten days during the Conquest of Makkah.[35] However, he had not intended a fixed number of days for his journey. Also during this period he was performing reconnaissance of the enemies in preparation for the Battle of Hunayn.

Similarly, he spent twenty days in Tabūk and shortened the prayers throughout this period.[36] This was a reconnaissance expedition just like the Makkah expedition. He had gone to Tabūk to battle the Romans. Upon reaching there, he began to assess the enemy's tactics and strength and could not decide when to begin the offensive against the enemy. He had not determined to stay a certain number of days, it was a reconnaissance period with no set duration.

We say that if one stays to fulfil a need and is not sure when the stay will end, then he may shorten his prayer.

<u>Eleven</u>: "Or if he is a sailor whose family travel with him and who does not intend to stay put in any one place. These people must perform the prayer in full": There are two situations for this:

(i) If he has a country where he has lived in for some years, then he may shorten his prayer in his journeys; even if it is for a long period of time. He is more worthy of this concession as compared to he whose journey takes much less time for the hardship endured in longer journeys is greater. If he resides in his country, then he must perform prayers in full and fast. He should also pay back the fasts that he missed in Ramadān.

(ii) He is a nomad who has never intended a country of residence. If he has his family with him in the boat, then the boat is considered a home for him. He must not shorten his prayer for he is not considered a traveller. *Qasr* (shortening the prayer) and breaking of the fast are concessions made available to those who embark on a journey and

35 Reported by Abu Dawūd (1229) from the narration of 'Imrān ibn Hussain. It was also reported by al-Bukhārī (2/53) from the narration of Ibn 'Abbās.

36 Reported by Ahmad (3/295) and Abu Dawūd (1235) from the narration of Jābir ibn 'Abdullah.

then come to reside in a foreign land.

متن وإن كان له طريقانِ فَسلكَ أبعدَهما أو ذَكرَ صلاةَ سفرٍ في آخر قَصْرٍ، وإن حُبِسَ ولم يَنْوِ إقامةً أو أقامَ لقضاءِ حاجةٍ بلا نيَّةٍ إقامةً قَصَرَ أبداً

If there are two routes for a journey and he chose the longer route, or if he remembered that he missed a prayer while he is on the journey, he may shorten his prayer. If he is held back and had not intended to reside or must reside there until such a time that the objectives of travel are achieved, without an intention to reside, then he may shorten his prayer indefinitely.

"If there are two routes for a journey and he chose the longer route": There are two routes, one of which is too short for shortening prayers. He chose the longer route so as shorten his prayer in the journey. This is permitted. He is not obliged to choose the shorter route.

"Or if he remembered that he missed a prayer while he is on the journey": I.e. a prayer that had been due while he was on the same journey but forgot and had to pay back the prayer. If he does so while still on the journey, he shortens it for the prayer would have been shortened had he performed it when the prayer was due. This is in contrast to one who misses a prayer in a journey and remembers of it only after he returned to his country. In this case, he must perform it in full.

"If he is held back": This scenario was discussed earlier in the elaboration of the conditions that necessitate a traveller to perform the prayer in full.

فصـــل

SECTION

متن

يجوز الجمع بين الظُّهرين وبين العشاءين في وقتِ إحداهما في سفرِ قصرٍ، ولمريضٍ يَلْحقهُ بتركِهِ مشقةٌ

It is permissible to combine the two afternoon prayers and the two night prayers at the time when either one is due in addition to shortening it in the journey. The ill person, who will face hardship without combining the prayers, may do so too.

"It is permissible to combine the two afternoon prayers and the two night prayers at the time when either one is due": Combining of prayers performed at the time when either one is due is a concession under Islamic legislation.

There is a *qā'idah* (principle) to mention here: He who is entitled to shorten his prayer is entitled to combine his prayer also. The reverse is not true. That is, not all who are entitled to combine the prayers are entitled to shorten it. This is because the concession for combining prayers is more expansive than the concession for shortening it.

One is allowed to perform both prayers during the time when either one is due. The *zuhr* prayer can be performed with the *'asr* prayer at the time of *zuhr* (*jama' al-taqdīm*) or at the time of *'asr* (*jama' al-t'akhīr*). *Maghrib* prayer can be performed with '*ishā* prayer at the time of *maghrib* (*jama' al-taqdīm*) or at the time of '*ishā* (*jama' al-t'akhīr*). He has the liberty to choose that which is most convenient for him during three situations:

First: During a journey.

Second: While afflicted with an illness which makes it difficult for him to pray the obligatory prayers in their stipulated times.

Third: During times of heavy downpour and in muddy conditions.[37] It is permissible for one to combine the two night prayers when it rains heavily or when the ground is muddy.

The difference between the rules of combining prayers and shortening the prayer: Shortening of prayer is *mustahab* (recommended) while combining prayers is *mubah* (allowed). The latter is neither recommended nor disliked (*makrūh*). For this reason the author said that it is permissible and did not use the word *mustahab*.

"In addition to shortening it in the journey": This falls under the first category where combining of prayers is permitted.

He who is entitled to shorten his prayer may combine it as well. He does what is convenient for him and so can choose between *jama' al-taqdīm* or *jama' al-t'akhīr*. The Prophet ﷺ used to combine the prayers when the first of the two prayers was due. He did so before the journey began. This was *jama' al-taqdīm*. However, if he set out before the first of the two prayers was due, he would delay the first prayer and combine it with the second one on its time. This was *jamā' al-t'akhīr*. He did so because it was convenient for him.

"The ill person, who will face hardship without combining the prayers, may do so too": This falls under the second category in which combining prayers is permitted.

If one is afflicted with a sickness that makes it difficult for him to observe the prayers in their stipulated time, then he may combine them. However, this is not applicable to one who has an ordinary illness by which he feels no hardship in performing the prayers at their given times. Hence, it is not permissible for him to combine his prayers.

37 It mentions in *al-Lisān* that muddy conditions are thick mires in which cattle become trapped. (11/723)

متن وبين العشاءين لمطرٍ يبلُّ الثيابَ ولوحلٍ وريحٍ شديدةٍ باردةٍ

And combine both the night prayers due to rain that drenches the clothes, muddy conditions, strong winds that are cold.

This falls under the third category in which combining prayers is permitted. There are three factors for this situation:

<u>First</u>: "And combine both the night prayers due to rain that drenches the clothes": Light rain that does not drench the clothes is not included and so combining prayers during light rain is not permissible for there is no harm caused by such a rain. Some brothers, may Allah guide them, start combining prayers as soon as they witness a small amount of rain. This is not permissible for there is no reason for a concession.

<u>Second</u>: "Muddy conditions": That are a result of rainfall. Since this unfavourable condition serves as a barrier for one to go to the *masjid*, he may combine the prayers. If the ground is dry and there is no muddy condition (e.g. if the route is paved) or if there is no rainfall, then one must not combine prayers.

<u>Third</u>: "Strong winds that are cold": If a strong cold wind blows and people are afraid to leave their homes and pray at the *masjid*, they may combine both the night prayers. The condition is that the wind must be both cold and strong on a dreary night.

متن ولو صلَّى في بيتِهِ أو في مسجدٍ طريقهُ تحت ساباطٍ. والأفضل فعل الأرفق به من تقديم وتأخير

Even if he were to pray at home or at the *masjid* which he can get to via a covered walkway, he may choose to perform *jama' al-taqdīm* or *al-t'akhīr*, whichever is convenient.

"Even if he were to pray at home or at the *masjid* which he can get to via a sheltered walkway": I.e. he may combine *maghrib* and *'ishā* prayers in this situation. A person faces no harm while praying at home or if his path to the *masjid* is sheltered. Nevertheless, he may combine them for the concession is for all people in general without exception.

"He may choose to perform *jama' al-taqdīm* or *al-t'akhīr*, whichever is convenient": The better option will be that which is more convenient for him. The Prophet ﷺ used to combine prayers in all the above situations, that is, during an illness, while on a journey and when there was a heavy downpour of rain.

متن فإن جمع في وقت الأولى اشترط نية الجمع عند إحرامها، ولا يفرِّق بينهما إلا بمقدار إقامة ووضوء خفيف، ويبطل براتبة بينهما، وأن يكون العذر موجودا عند افتتاحهما وسلام الأولى

If a person combines prayers at the time of the earlier prayer, the conditions are: Having an intention to combine prayers whilst saying the *takbīratul iḥrām*, not to leave a gap between the two prayers except the time needed to say the *iqāmah* or perform a brief ablution. It is nullified if one performs Sunnah prayers (*rawātib*) in between the two obligatory prayers and the excuses for the concession must be present at the beginning of the prayers and at the first *taslīm*.

"If a person combines prayers at the time of the earlier prayer, the conditions are": When one performs *jama' al-taqdīm*, there are three conditions:

Firstly: "Having an intention to combine prayers while saying the *takbīratul iḥrām*": One must have the intention to combine the prayers at the start of the first prayer.

Secondly: "Not to leave a gap between the two prayers except the time needed to say the *iqāmah* or perform a brief ablution": Both prayers should be performed in quick succession. It is called *jama'* (combining) for this reason. If one leaves a gap in between the two prayers or if he prays *nawāfil* prayers in between the two prayers, the attribute of combining prayers is lost.

The Prophet ﷺ and his Companions prayed *maghrib* prayers at Muzdalifah, secured their animals and then prayed '*ishā* when combining both the prayers.[38]

38 Reported by al-Bukhārī (1/41, 56), (2/200) and Muslim (4/70, 73) from the narration of Usamah ibn Zayd, that he said, "The Messenger of Allah proceeded from 'Arafah, and as he approached the creek of a hill, he got down (from his camel) and urinated, and then performed a light ablution. I said to him, 'Prayer.' Whereupon he said, 'The prayer awaits you (at Muzdalifa).' So he rode again, and as he came to Muzdalifa, he got down and performed ablution well. Then the *iqāmah* was pronounced for the prayer, and he observed the sunset prayer. Then every person made his camel kneel down there, and then the *iqāmah* was pronounced for the *'isha* prayer and

This is proof that a small gap in between the two prayers is inconsequential.

"It is nullified if one performs Sunnah prayers (*rawātib*) in between the two obligatory prayers": This action will negate the attribute of combining prayers.

Thirdly: "And the excuses for the concession must be present at the beginning of the prayers and at the first *taslīm*": The excuses that entitle one to perform the concession of combining prayers must be present during the beginning of both prayers and at the *taslīm* of the earlier prayer. If the excuses are not present while a person is combining prayers, then it is nullified.

متن

وإن جمع في وقت الثانية اشترط نية الجميع في وقت الأولى ، إن لم يضق عن فعلها ، واستمرار العذر إلى دخول وقت الثانية

If a person combines the prayers at the time when the second prayer is due, then the conditions are: That he has an intention to combine prayers when the first prayer is due, he does not have time-constraints to perform it and that the excuses that validate the concession are present until the second prayer is due.

"If a person combines the prayers at the time when second prayer is due, then the conditions are": There are three conditions when *jama' al-t'akhīr* is performed:

First: To have the intention at the time of the first prayer that *jama'* will be performed later. If one does not make the intention at this time, then combining the prayers becomes invalid. The Prophet ﷺ said, "Verily all actions are by intentions and verily for each person is what he intended."[39]

Second: "He does not have time-constraints to perform it": He must not be hard-pressed for time to perform *jama'* when the earlier prayer is due. In the event that time is a constraint, he is obliged to perform the earlier prayer in its time.

---

he observed it, and he (the holy Prophet) did not observe any prayer (either *sunan* or *nawāfil*) in between them."

39 Hadīth which is agreed upon (*muttafaqun alayh*) from the narration of 'Umar. Reported by al-Bukhārī (1/1) and Muslim (6/48).

Third: "And that the excuses that validate the concession are present until the second prayer is due": If the excuses are lifted before the second prayer is due, then combining the prayers is not valid. One must perform the prayers as normal i.e. the earlier prayer is read in its time as normal.

فصـــــل
SECTION

متن

وصلاةُ الخوفِ صحَّتْ عن النبيِّ ﷺ بصفاتٍ كلها جائزة

The prayer during times of fear is authentically proven by the actions of the Prophet ﷺ in many forms, all of which are permissible.

"Section": Last but not least of the prayers with concession is, "The prayer during times of fear," i.e. how prayer is performed during times of fear (*salāt al-khawf*).

"Fear": This is the antonym of safe. One fears the enemy. Since prayer cannot be forgone in any situation, it is prayed to the best of one's ability during times of fear. The obligation for men to perform the prayer in congregation cannot be forgone also. Hence, one performs even *salāt al-khawf* in congregation which underscores the obligation of prayer in congregation for men. If it is mandatory during times of fear, what more during times of peace and security?

However, some additional actions and movements are permissible when performing *salāt al-khawf*. Moving to and fro and back and forth are necessary in performing this prayer which are not allowed in the normal congregational prayer. The essential question then arises: Why do some people claim that congregational prayer is not *wājib*?

This is a big mistake. The foremost evidence to it being *wājib* is *salāt al-khawf*. If congregational prayers were not *wājib*, then it would have been pardoned for *salāt al-khawf*.

"The prayer during times of fear is authentically proven by the actions of the Prophet ﷺ in many forms, all of which are permissible": The author quotes Imām Ahmad here, who said, "The prayer during times of fear is authentically proven by the actions of the Prophet ﷺ in many forms, all of which are permissible. However, I prefer the hādīth narrated by Sahl."[40]

Salāt al-khawf has been performed in six or seven different forms by the Prophet ﷺ. All these forms are authentic and permissible. The variation occurred due to the varying circumstances. The Prophet ﷺ prayed in a particular form best suited to each situation. Such is the mercy of Allah ﷻ upon the Muslims for He makes it easy for our Ummah to practice the *dīn*.

Fear is induced in three situations:

First: When facing the enemy but without close combat. Two armies, the Muslim army and the disbeliever's army face each other but there is no battle between them.

Second: The two armies meet and engage in close combat. This is worse than the former situation.

Third: While fleeing from the enemy.

In the first situation where the armies face each other without doing battle, one of two scenarios must occur: (i) The enemy is in the direction of the *qiblah*. (ii) The enemy is not in the direction of the *qiblah*. This is termed by the jurists as the "second option." That is, the enemy is in a direction other than the direction of *qiblah*.

In the first scenario, when the enemy is between the Muslims and the *qiblah*, the Muslim army form two rows in the prayer. The *imām* makes the *takbīratul ihrām* for all of them. The rest of them follow the *imām* in standing for prayer while being observant of the enemy and making *ruku'* whilst keeping watch for any enemy movements. In making *sujūd*, the first row follows the *imām* whereas the second row remains standing watching over the enemy. When the *imām* and the first row have done two *sujūd* and stand up for the second *rakāt*, the second row proceeds to make the two *sujūd* after which they move forward

40 See *al-Mughnī* (2/223) and *al-Insāf* (2/347).

to take over their place right behind the *imām*. The first row steps backwards to take up position as the second row. The whole *rakāt* is repeated as in the first, the *imām* and both rows make *ruku'* and when the *imām* makes *sujūd*, the first row follows him while the second row stands guard. As soon as they sit for the *tashahud*, the second row makes the two *sujūd* and joins them for the *tashahud*. The two rows make *taslīm* together after the *imām*.

If the enemy is not in the direction of the *qiblah*, then there are a few methods to perform *salāt al-khawf*:

First: The Muslim army is divided into two groups. The *imām* prays the first *rakāt* with one group. The other group stands guard by facing the enemy and does not partake in the prayer at this point. When the *imām* rises for the second *rakāt*, he stays still while the first group completes the second *rakāt* by themselves concluding the prayer with the *taslīm*. They then depart to take up the second group's position as guards, watching the enemy. This frees the second group to join in the prayer with the *imām*. They perform one *rakāt* together. When the *imām* sits for the *tashahud*, he keeps still. The second group rises to perform their second *rakāt*. Once they join the *imām* in the *tashahud*, he makes *taslīm* and the second group makes the *taslīm* along with him.

We note that the first group made *takbīratul ihrām* with the *imām* and completed the first *rakāt* with him and went on to complete the second *rakāt* by themselves. The second group prayed the *imām's* second *rakāt* along with him and went on to perform their second *rakāt* by themselves, concluding the prayer with the *taslīm* together with the *imām*. There is a fair division of the prayer between the two groups in this method.

This method is described in the hadīth *dhāt al-raqā'a* which was narrated by Sahl ﷺ,[41] which was preferred by Imām Ahmad which he considered to be in correlation with the words of Allah: {**And when you are among them and lead them in prayer, let a group of them stand [in prayer] with you and let**

41 Reported by al-Bukhārī (5/146) and Muslim (2/214) and the wording from Muslim is, "The Prophet ﷺ prayed during times of danger and divided them (the people) behind him in two rows. He then led those who were near him in one *rakat*. Then he stood and remained standing until those who were in the second row offered one *rakat*. Thereafter they came forward and those who were in front of them (in the first row) stepped backward. The Prophet ﷺ led them in one *rakat* of prayer. He sat down until those who were in the second row completed one *rakat*. He then uttered the salutation."

them carry their arms. And when they have prostrated, let them be [in position] behind you and have the other group come forward which has not [yet] prayed and let them pray with you, taking precaution and carrying their arms.}[42]

Second: The *imām* prays with the first group both the *rakāt* and concludes the prayer by making the *taslīm*. The *imām* then prays two more *rakāt* with the second group, who were initially keeping guard and concludes with the *taslīm*. Hence, the *imām* prays twice; the first prayer is obligatory for him while the second prayer is *nafl*. We can surmise from this method that a person with an intention to pray an obligatory prayer can be led by an *imām* who has an intention to pray a *nafl* prayer.

Third: The *imām* prays two *rakāt* with the first group. They make *taslīm* themselves and depart while the *imām* rises for the third *rakāt*. The second group joins the *imām* for the third and fourth *rakāt* and they conclude the prayer together with the *taslīm*. Hence, the *imām* performs the prayer in its complete form of four *rakāt* while the two groups prayed two *rakāt* each in the shortened form.

The second situation which induces fear is when both armies battle in close combat with their weapons, all the while running back and forth. Given this chaotic situation, each has to pray individually when the prayer time approaches, performing it to his best ability.

The third situation which induces fear is when one is fleeing the enemy. A person may pray riding his animal or while walking. They may do so facing the *qiblah* or elsewhere. Allah says: **{And if you fear [an enemy, then pray] on foot or riding.}**[43]

Prayer can be performed in this manner when fleeing from the enemy, floods, wild animals or when hunting down the enemy where he might lose track of the enemy if he were to stop to perform the prayer. Therefore, he prays while running after the enemy and he may face the *qiblah* or elsewhere when he does this. He gestures with his head to indicate *ruku'* and *sujūd*.

42 Al-Nisā: 102

43 Al-Baqarah: 239

These are the methods of performing *salāt al-khawf* for the three situations which induce fear. All of these methods are permissible and every method is suited for a different circumstance that a Muslim might have to face.

From the conditions for *salāt al-khawf*: The battle must be a permissible one. If it is not permissible, then *salāt al-khawf* cannot be performed during it.

Having said this, we must note that waging war against Muslims who disobey the Muslim leader and who are intent on rebelling or robbing and they renegade to fight against the Muslims is permissible. This battle is taken up as self-defence to fend off the evil actions of these people.

متن **ويُستحَبُ أن يَحملَ معه في صلاتِها من السِّلاحِ ما يَدْفعُ به عن نفسِهِ ولا يُثقلهُ كسيفٍ ونحوه**

It is recommended that he arm himself while performing prayer so that he may protect himself. The weapon should not distract him nor weigh him down, for example, a sword or the like.

"It is recommended that he arm himself while performing prayer so that he may protect himself. The weapon should not distract him nor weigh him down": Allah ﷻ emphasises this safety precaution in these words: **{And let them take their precautions and their arms.}**[44]

"For example, a sword or the like": He may carry a sword or a small rifle. That is, anything that will help a Muslim defend himself and other Muslims. Arming oneself in this manner does not affect the validity of the prayer in any way.

44 Al-Nisā: 102

باب صلاة الجمعة
CHAPTER: THE FRIDAY PRAYER

"Chapter: The Friday Prayer": The status of the Friday prayer is great.

"Friday": This is called *al-jumu'ah* in Arabic. It is said that it is called this because Allah gathered (*jama'a*) mankind by completing the creation of the entire human race on this day. It is also mentioned that it is called *al-jumu'ah* because a great number of Muslims gather on this day to offer the prayer in all the countries. Another explanation for its name is that there is a lot of goodness accumulated or gathered on this day due to its great significance and status.[45]

Friday is without doubt the best day of the week. Its superiority to the other days of the week is akin to the superiority of the month of Ramadān from the rest of the months. Friday is also known as "*sayyid al-ayyām*" (the best day) in Arabic. The Messenger ﷺ said, "The best day in which the sun rises is Friday. On this day Ādam was created and on this day he descended from Paradise. The final hour shall take place on this day. There is an hour on this day in which a servant, a Muslim will not encounter, and he invokes Allah while he stands in prayer asking Him for something, except that He shall grant it to him."[46]

There is a period of time on Friday in which all invocations are answered just

45 See: *Zād al-Ma'ād* by Ibn al-Qayyim (1/366).

46 Reported by Muslim (3/6), al-Tirmidhī (491), al-Nasā'ī (3/89) and Ahmad (2/401, 402, 418 and 512) from the narration of Abu Hurairah. Some of them reported it in full while others reported it partially.

as Ramadān contains the Night of Power (Laylat al-Qadr). Friday is a magnificent day which Allah ﷻ presented to the Muslim Ummah and not to the disbelievers. He designated this day as a day of worship for the pious servant. The Jews chose Saturday while the Christians chose Sunday but Allah chose Friday for the Muslims, which is the best day of the week. This is from the mercy and bounties of Allah upon the Muslims.

The Jews and Christians envy nothing more than the Muslims ownership of Friday for Allah excluded them from it and offered it to the Muslims. It is indeed a significant day and the 'Eid day of the week. Friday has great merits, most of which were mentioned by Imām ibn al-Qayyim in his book *Zād al-Ma'ād*.'[47]

Some authors have written books solely on the subject of the merits of Friday. There is *al-Lum'ah fī Fadā'il Yawm al-Jum'ah* by al-Hāfiz al-Suyūtī. This fact clearly highlights the significance of this day, its merit and the vast goodness it contains. Friday was singled out for the nation of Muhammad ﷺ, which is a great blessing for this nation.

متن تَلْزَمُ كلَّ ذَكَرٍ حُرٍّ، مُكلَّفٍ، مسلمٍ، مستوطنٍ ببناء اسْمه واحدٌ ولو تَفَرَّق، ليس بينه وبين المسجدِ أكثرُ من فَرْسَخٍ

It is incumbent upon all males who are free, mature, Muslim, resident of one country, even if they are separated and the distance between him and the *masjid* is not more than one *farsakh*.

The following are the conditions that make the Friday prayer *wājib*:

First: "It is incumbent upon all males": It is not *wājib* for women.

Second: "Free": That he is a free person. If he is a bonded servant, then it is not *wājib* upon him. This is because he is a helper to his master and so Allah has pardoned him as a result and made the Friday prayer non-mandatory for him.

Third: "Mature": The young are therefore excluded as are those who have attained puberty but are bereft of intellect. The Prophet ﷺ said, "The pen is lifted

47 See *Zād al-Ma'ād* (1/366)

for three: The sleeping person until he awakens, the child until he attains puberty and the insane until he becomes sane."[48]

Fourth: "Muslim": The Friday prayer is not *wājib* for a disbeliever just as all the other acts of worship are not *wājib* for him so long as he is in the state of *kufr* (disbelief). These acts become *wājib* if he embraces Islam.

Fifth: "Resident": It is not *wājib* for the traveller to perform the Friday prayer. The desert/rural-dwellers are excused from the Friday prayer as well. The Bedouins who lived on the outskirts of Madīnah during the time of the Prophet ﷺ were not ordered by him to attend the Friday prayer. This point brings to focus the practice of some educators who choose to perform the Friday prayer at rural or desert areas. In fact, it is mandatory for them to pray the *zuhr* prayer unless there are residents among them. In this case, they may perform Friday prayer as the permissibility arises due to the presence of residents among the congregation. The Prophet ﷺ went on numerous journeys though there are no reports of him performing the Friday prayer during any of these journeys.

"Of one country": If the country is called a single name. That is, it can be fenced together along its border.

"Even if they are separated": Or if they are separated into regions provided that they fall under a single name.

"And the distance between him and the *masjid* is not more than one *farsakh*": If one is outside of his country's borders by a distance less than three miles, then the Friday prayer is *wājib* upon him. If he is more than three miles away from his country and the *adhān* is not audible to him, then he is excused from performing the Friday prayer.

متن

ولا تجبُ على مسافرِ سَفَرَ قَصْرٍ ولا عبدٍ ولا امرأةٍ، ومن حضرَها منهم أجزأته ولم تنعقدْ به، ولم يصحَّ أن يَؤُمَّ فيها، ومَنْ سقطتْ عنه لعذرٍ وجبتْ عليه إذا حَضرَها وانعقدتْ به

It is not *wājib* for the traveller who is entitled to shorten his prayer, the slave and women although it is permissible for them to attend it. They are however excluded from the congregation tally. It is not permissible for them to

48 Reported by Abu Dawūd (4403) from the narration of 'Alī ibn Abu Tālib.

lead the Friday prayer. He who is excused from the Friday prayer due to a valid reason must perform it if he does manage to attend it and he is included in the tally.

The following people need not perform the Friday prayer:

First: "It is not *wājib* for the traveller who is entitled to shorten his prayer": The traveller who is not entitled to shorten his prayer must perform the Friday prayer for he is like a resident.

Second: "The slave": The bonded slave is not required to attend the Friday prayer for he is a helper for his master.

Third: "Women": The Friday prayer is only *wājib* for men.

"Although it is permissible for them to attend it": Hence, they need not offer the *zuhr* prayer if they do attend the Friday prayer.

"They are however excluded from the congregation tally": One of the conditions of the Friday prayer is that at least forty people must make up the congregation. Travellers, women and slaves cannot be included in this tally.

"It is not permissible for them to lead the Friday prayer": It is a matter well known that a woman cannot lead a congregation of men. The point here is that even the traveller and the slave should not be the *imām* for the Friday prayer as they are not from amongst the people that the prayer is *wājib* upon.

However, the correct opinion and that which is held by most scholars is that the traveller and the slave may assume the position of *imām* for the Friday prayer as there is no evidence to prove otherwise.[49]

"He who is excused from the Friday prayer due to a valid reason must perform it if he does manage to attend it and he is included in the tally": If the Friday prayer is *wājib* upon him by default but he is pardoned from it due to valid excuses such as illness or fear, then the prayer becomes *wājib* again if he does

49 This is the *madhab* of Imām Abu Hanīfah and Imām al-Shāfi'ī. Imām Mālik agreed with them with regards to the traveller. See *al-Muqnī* (1/244) and *al-Insāf* (2/368).

manage to attend it. This is because he was only pardoned from the Friday prayer as a concession to lighten his burden which is forfeited once he is able to attend the prayer. He can lead the Friday prayer as the *imām* and can be included in the congregation tally. This is due to the fact that the prayer is *wājib* upon him by default.

متن ومن صلَّى الظُّهرَ ممَّنْ عليه حضورُ الجمعةِ قبل صلاة الإمام لم تصح، وتصحُّ ممن لا تجبُ عليه، والأفضلُ حتى يُصلِّيَ الإمامُ. ولا يجوزُ لمن تَلزمهُ السَفرُ في يومِها بعدَ الزوال

If a person prays *zuhr* before the *imām* instead of the Friday prayer while it is *wājib* for him, then it is invalid. It is valid for whom the Friday prayer is not *wājib*. However, it is better to do so after the *imām* has concluded the Friday prayer. It is not permissible for one to travel on a Friday after *zawāl* (after the sun's zenith).

"If a person prays *zuhr* before the *imām* instead of the Friday prayer while it is *wājib* for him, then it is invalid": The Friday prayer is the obligatory prayer on Friday afternoon. The *zuhr* prayer replaces it only if the Friday prayer is missed. So it is not permissible for a man to perform *zuhr* when it is still within the time of the Friday prayer. He can do so only after the time of the Friday prayer has lapsed. If he does perform *zuhr* before the *imām's* prayer, then this individual's prayer is invalid as the time of the Friday prayer has not yet lapsed.

"It is valid for whom the Friday prayer is not *wājib*. However, it is better to do so after the *imām* has concluded the Friday prayer": If the Friday prayer is not *wājib* for a person, for example a woman, a slave or a traveller, he may perform *zuhr* as soon as it is due. They can do so even if the congregation have not yet performed the Friday prayer. However, it is better to wait until the Friday prayer is concluded so that one steers clear from controversy.

"It is not permissible for one to travel on a Friday after *zawāl* (after the sun's zenith)": If one travels on Friday before *zawāl*, this is permissible. However, it is best not to do so until after performing the Friday prayer. When it is time for the Friday prayer, i.e. when the sun has set from its zenith, then it is not permissible for him to begin the journey until after performing the Friday prayer.

فصـــل

SECTION

متن

يشترطُ لصِحَّتِها شروطٌ ليس منها إذنُ الإمامِ. أحدُها: الوقتُ: وأولُه أولُ وقتِ صلاةِ العيد، وآخرُهُ آخرُ وقتِ صلاةِ الظُّهرِ فإن خَرَجَ وقتُها قبلَ التَّحريمة صلُّوا ظهراً وإلا فجُمعة

There are conditions that validate it. The *imām's* permission is not one of them. Firstly: The timing, its earliest time is like the earliest time of the 'Eid prayer and its latest time is like the latest time of *zuhr* prayer. If the time elapses before one makes *takbīratul iḥrām*, then he must perform the *zuhr* prayer.

"Section": This section further elaborates on the conditions that validate the Friday prayer. We have already seen the mandatory conditions.

"There are conditions that validate it. The *imām's* permission is not one of them": Seeking the permission of the Muslim ruler is not a condition for performing the Friday prayer. This is because the Companions prayed it in various circumstances but did not seek the permission of the Prophet ﷺ. However, the advice of the *mufti* of the country and his council should be sought to determine if all the conditions which validate the Friday prayer are present. The conditions are:

"Firstly: The timing": If one prays the Friday prayer before it is due, it is invalid. This is based on the *ayah* where Allah says: **{Indeed, prayer has been**

decreed upon the believers a decree of specified times.}[50]

"Its earliest time is like the earliest time of the 'Eid prayer and its latest time is like the latest time of *zuhr* prayer": The earliest time when the Friday prayer can be performed is, according to the Hanbalī *madhab*, the time when the 'Eid prayer is performed.[51] This means when the sunrise is established. According to the *madhab*, performing it during the time of the *duha* prayer is also acceptable. In the hadīth, the people used to perform the Friday prayer with the Prophet ﷺ. When they returned, no shadow fell on the walls which provided shade.[52] Another hadīth mentions that the people did not take their noon siesta or their lunch until after performing the Friday prayer.[53] They did not water the animals except after performing the Friday prayer.[54] These ahadīth prove that it is permissible to expedite the Friday prayer even before *zawāl.*

The majority of scholars are of the view that: "The timing for Friday prayer does not begin except after the sun has set from its zenith (*zawāl*)."[55]

This was also reported by Imām Ahmad. The Prophet ﷺ used to perform the Friday prayer after the sun set from the zenith. As for the narrations mentioning that some Companions saw no shadows on walls while returning after the prayer, or that they did not have lunch, take the afternoon nap nor water[56] the animals except after performing Friday prayer, this is only an expediting of the prayer to its earliest time such that it is of less burden to the people. This is not an evidence to show that they performed the Friday prayer before *zawāl.*

The reference in the hadīth, "The walls do not have shadows that can provide shade,"[57] does not mean that there was no shadow at all. It means that the

50 Al-Nisā: 103

51 See *al-Kāfī* (1/215).

52 Reported by al-Bukhārī with this meaning (5/159) and Muslim (3/9) from the narration of Salmah ibn al-Akwa'.

53 Reported by al-Bukhārī with this meaning (2/17), (8/77) and Muslim (3/9) from the narration of Sahl ibn S'ad.

54 Reported by Muslim (3/8), Ahmad (3/331) and al-Nasā'ī (3/100) from the narration of Jābir ibn 'Abdullah.

55 See *al-Mughnī* (3/159).

56 Camel, buffalo or donkey. See *al-Lisān* (2/619).

57 Mentioned previously.

shadow was not vast enough to provide shade for them.

"If the time elapses before one makes *takbīratul iḥrām*, then he must perform the *zuhr* prayer": The Friday prayer has been performed in its time if the *takbīratul iḥrām* at least is said before the time for the prayer elapses. If as soon as making the *takbīr*, the time elapses, he is considered to have had performed the prayer in its time. If the time elapses before he makes the *takbīr*, then he has missed the Friday prayer and can only perform *zuhr* as a replacement.

متن

الثاني: حضورُ أربعينَ من أهل وجوبِها

Second condition: Attendance of forty men upon whom the Friday prayer is *wājib*.

The second condition without which Friday prayer is invalid is the, "Attendance of forty men upon whom the Friday prayer is *wājib*." Only this amount of men is considered to be a congregation. An individual or two cannot perform the Friday prayer.

Scholars differ in opinion as to whether it is valid if more than two people offer Friday prayer. There are more than twenty one different opinions regarding this issue which are all mentioned by al-Hafiz ibn Hajar in his book *Fath al-Bārī*.[58] Below are some examples:

First: Friday prayer is not valid without forty people attending it[59] based on the words of Jābir ﷺ, who said, "The Sunnah was that for every forty men that gathered, there was a Friday prayer." He was referring to the Sunnah of the Messenger ﷺ. As'ad ibn Zurārah ﷺ performed the Friday prayer with his companions who made up a congregation of about forty men.

Second: The Friday prayer is valid if the congregation consists of twelve men as the Messenger ﷺ used to give a sermon before the prayer. A caravan arrived there and they were in need of goods and needed to trade. When this came to the attention of the people, they left the Prophet while he was still giving

58 *Fath al-Bārī* (2/423).

59 It is mentioned in *al-Inṣāf*, "It is the *madhab* of Imām Ahmad without doubt and most of his companions are of this view. He also mentions that Friday prayer requires only three people, a view preferred by Shaykh Taqī al-Dīn." (2/378)

his sermon. Only twelve men remained. The Messenger ﷺ continued his sermon and later the prayer. Allah then revealed the ayah: {**But when they saw a transaction or a diversion, [O Muhammad], they rushed to it and left you standing. Say, "What is with Allah is better than diversion and than a transaction, and Allah is the best of providers."**}[60] [61]

<u>Third</u>: Only three men are needed to successfully perform the Friday prayer. This view is justified by the fact that three people make up a group or congregation. So one of them gives the sermon while the other two listen to it.

This is the correct view which was preferred by Shaykh al-Islam ibn Taymiyyah[62] as well as many other scholars of hadīth and *da'wah*. The remaining views are not substantiated with evidence from the Sunnah.

متن الثالث: أن يكونوا بقرية مستوطِنِين. وتصحُّ فيما قــاربه البُنْيانَ مــن الصَّحراءِ، فــإنْ نَقَصُوا قبـل إتْمامِها اســتأنفـوا ظُهراً

Third condition: They are in the city where they reside in. It is valid if performed near dwellings in the desert. If the congregation diminishes before the prayer is performed, it should be replaced with the *zuhr* prayer.

The third condition without which Friday prayer is invalid is that, "They are in city where they reside in." They must be residents and not travellers. Friday prayer is not *wājib* for the traveller. The Prophet ﷺ never once performed the Friday prayer on his journeys and he did not command the Bedouins living on the outskirts of Madīnah to come perform Friday prayer for they were considered non-residents.

"It is valid if performed near dwellings in the desert": Since it is similar of sorts to an urban setting, the Friday prayer is valid if prayed in an area where people inhabit even if it is far from the city. As'ad ibn Zarārah ﷺ prayed it with his companions at a district which was outside the borders of Madīnah.

60 Al-Jumu'ah: 11

61 Reported by al-Bukhārī (2/16), (71, 73) and Muslim (3/9, 10) from the narration of Jābir ibn 'Abdullah.

62 See *al-Iktiyārāt al-Fiqhiyyah* (pp. 119-120) and *al-Insāf* (2/378).

As for those far from dwellings, such as those praying in the desert and on excursions there, it is not valid for them to pray the Friday prayer.

"If the congregation diminishes before the prayer is performed, it should be replaced with the *zuhr* prayer": That is, the numbers diminish below what is prescribed as the minimum congregation for the Friday prayer. Hence, they have to perform *zuhr* prayer instead of the Friday prayer.

متن ومن أدرك مع الإمام منها ركعةً أتمَّها جُمعةً، وإنْ أدْركَ أقلَّ من ذلك أتمَّها ظُهراً إذا كان نوى الظهرَ

Whosoever prays one *rakāt* with the *imām* he may go on to complete it as the Friday prayer. If he prays less than that however, he must complete it as *zuhr* prayer provided that he had made the intention to perform the *zuhr* prayer.

"Whosoever prays one *rakāt* with the *imām* he may go on to complete it as the Friday prayer": I.e. he joins in the prayer as a *masbūq* (one who joins in late for the congregational prayer). If he joins in the Friday prayer before the *imām* raises his head from the *ruku'* position of the second *rakāt*, then he has attained the Friday prayer and should complete another *rakāt* after the *imām's taslīm*.

"If he prays less than that however, he must complete it as *zuhr* prayer": If he joins in the prayer when the *imām* has already risen from the *ruku'* position [in the second *rakāt*], then he must join in the prayer with an intention to perform *zuhr* prayer. When the *imām* pronounces the *taslīm*, he stands up to pray four *rakāt* of *zuhr* prayer.

This is based on the hadīth where the Prophet ﷺ said, "He who joins in the Friday prayer and prays one *rakāt*, should make up one more *rakāt* and his prayer will be complete."[63]

"Provided that he had made the intention to perform *zuhr* prayer": It is a pre-requisite that he makes the intention to perform *zuhr* before joining in with the *imām* in the prayer. If he makes the *niyyah* for the Friday prayer even though he missed the second *rakāt*, then it is considered a *nafl* prayer. He has

63 Reported by al-Nasā'ī (1/274) (3/112) and Ibn Mājah (1121) from the narration of Abu Hurairah.

to pray another four *rakāt* of *zuhr* once more.

متن ويُشترطُ تقدُّمُ خُطبتين، من شَرْطِ صحَّتِها: حَمْدُ الله تعالى، والصلاةُ على رسولِ الله ﷺ

Another condition is that the two sermons must precede the prayer. The pre-requisite for the two sermons are: Praising Allah ﷻ and sending salutations upon the Messenger of Allah ﷺ.

This is the fourth condition without which the Friday prayer is invalid, "The two sermons must precede the prayer." If the sermons are not delivered before the Friday prayer, it becomes invalid as the Prophet ﷺ never performed the prayer without delivering the two sermons. The two sermons act as a replacement for two *rakāt* as the Friday prayer in its *asl* is four *rakāt*, just like the *zuhr* prayer. Since the two sermons are delivered, we pray only two *rakāt* for the Friday prayer. Allah says: **{O you who have believed, when [the *adhan*] is called for the prayer on the day of Jumu'ah [Friday], then proceed to the <u>remembrance of Allah</u> and leave trade. That is better for you, if you only knew. And when the prayer has been concluded, disperse within the land and seek from the bounty of Allah, and remember Allah often that you may succeed. But when they saw a transaction or a diversion, [O Muhammad], they rushed to it and left you standing. Say, "What is with Allah is better than diversion and than a transaction, and Allah is the best of providers."}**[64]

The words *dhikr Allah* (remembrance of Allah) in the ayah refer to the sermon which is proof that they are a condition without which the Friday prayer is null and void. The sermons have prerequisites which must be observed. If any of these prerequisites are ignored, the sermon becomes invalid which in turn nullifies the prayer, for indeed the two sermons and the prayer are inter-dependent. Nullifying one will lead to nullification of the other.

There are eight prerequisites for the sermons:

<u>First</u>: "The two sermons must precede the prayer": They must be delivered before the prayer. If the sermons, or one of them are delivered after the prayer, then this is not valid.

<u>Second</u>: Two sermons must be delivered. If only one is delivered, then they are

64 Jumu'ah: 9-11

both null and void.

<u>Third</u>: "Praising Allah ﷻ": The sermon should begin with the praise of Allah as the Prophet ﷺ used to start his sermon with it. If an *imām* starts to deliver his sermon with some other phrase, the sermon is null and void as this contradicts the way our Prophet ﷺ delivered his sermon. "*Alhamdulillāh*" is the correct phrase for the praise as this is found in the Qur'ān. Here are a few examples:

{[All] praise to Allah (*alhamdulillāhi*), Lord of the worlds.][65]

{[All] praise is [due] to Allah , who created the heavens and the earth and made the darkness and the light. Then those who disbelieve equate [others] with their Lord.}[66]

{[All] praise is [due] to Allah, to whom belongs whatever is in the heavens and whatever is in the earth, and to Him belongs [all] praise in the Hereafter.}[67]

{All praise is due to Allah, the Originator of the heavens and the earth.}[68]

We find this term being repeated in the Noble Qur'ān. And the Prophet ﷺ used to say, "*Alhamdulillāh*" and his way is the best. Saying, "*Ahmadullah*", or "*Nahmudullaha wa nasta'īnuhu*" (these are other forms of praising Allah) were not used by the Messenger ﷺ.

<u>Fourth</u>: "And sending salutations upon the Messenger of Allah ﷺ": We are duty-bound to send salutations upon the Messenger ﷺ. Allah commands us to send peace and blessing upon the Prophet ﷺ saying: {**Indeed, Allah confers blessing upon the Prophet, and His angels [ask Him to do so]. O you who have believed, ask [Allah to confer] blessing upon him and ask [Allah to grant him] peace.**}[69]

65 Al-Fātihah: 1

66 Al-An'ām: 1

67 Saba':1

68 Fātir: 1

69 Al-Ahzāb: 56

Since the sermon is invocation to and glorification of Allah it is fitting to send salutations upon the Prophet ﷺ when delivering it.

<u>Fifth</u>: To say the two declarations of faith (*shahādatayn*) before sending salutations upon the Prophet ﷺ. We say, "*Ashadu an lā ilaha illa allāhu wahdahu lā sharīka lahu, wa ashadu anna muhammadan 'abduhu wa rasūlahu.*" This is followed by the salutations upon the Prophet ﷺ as it must always be preceded by the declaration of his message. This is the preferred view of Shaykh al-Islam.[70]

Sending peace and blessings on the Prophet is to be done at the beginning of the sermon. In recent times however, it is being said at the conclusion of the sermon. This style is unprecedented. In fact, the sermon should conclude with *istighfār* (seeking forgiveness) as mentioned by Ibn al-Qayyim in his book *Zād al-Mā'd'*.[71] The Prophet ended his sermons with *istighfār*. The preacher (*khatīb*) says, "I say these words of mine and I seek forgiveness of Allah for me, you and all Muslims." The salutations upon the Prophet ﷺ should be sent at the beginning of the sermon, after the *shādatayn*, this is the correct place according to the *Shari'āh*.

متن

وقراءةُ آيةٍ

And the recitation of verses.

<u>Sixth</u>: "And the recitation of verses": That is *ayāt* of the Qur'ān which are appropriate to the sermon topic. The preacher may select some *ayāt* or even a single ayah which is related to the topic of the sermon. The Prophet ﷺ used to read many *ayāt* of the Qur'ān when he delivered the sermon on Fridays.

The Qur'ān is a warning and a reminder. Therefore he ﷺ used to read many *ayāt* from it during the sermon. If one does not even recite one ayah of the Qur'ān throughout the sermons, they are considered null and void as this contradicts the actions of the Prophet ﷺ who used to read *ayāt* of the Qur'ān in his sermons so much so that he would read Sūrah Qaf in its entirety. One of the female companions said, "I memorised Sūrah Qaf by just listening to the Messenger recite it on the pulpit every Friday."[72]

70 See *al-Iktiyārāt al-Fiqhiyyah* (p.120).

71 See *Zād al-Ma'ād* (1/187).

72 Reported by Muslim (3/13), Ahmad (6/463) and Abu Dawūd (1100) from the narration of

متن

والوصيةُ بتقوى الله عزَّ وجلّ، وحضورُ العددِ المُشترَطِ

And to remind the people to fear Allah ﷻ and to ensure that the size of the congregation fulfils the condition.

Seven: "And to remind the people to fear Allah ﷻ": The *imām* says, "To proceed. O people! Fear Allah ﷻ (*Amā ba'd, yā ayuhannās, itaqullāh ta'ālāh*)." This is because the word "fear" embodies all the good characteristics. Hence, the sermon should not be void of this command to fear Allah. It was the practice of the Prophet ﷺ to do so for each sermon.

Eight: "And to ensure that the size of the congregation fulfils the condition": So that the sermon is valid. We saw earlier that the least number for the prayer is three people. One of them delivers the sermon while the other two listen to it. If he delivers it and there is none to listen to it, then it is invalid; even if people join in later while the sermon is in progress.

These are the conditions for the validity of the sermon during Friday prayer. The sermon is not an ordinary speech. It is speech with specific conditions. All sermons should correspond to the properties of the Prophet's sermons which have been recorded and preserved by the Muslims. If a person gives a sermon disregarding any of these conditions, or decides to speak off the cuff just to fill up the time allocated to him, it demeans the occasion. His speech is also not deemed a sermon. If the sermon is invalid, then the prayer becomes nullified too. If his speech is not in agreement with these conditions, then the sermon is null and void and in extension the prayer as well.

The matter is very serious. Friday sermons play a crucial role which calls for our attention and focus and we must study the laws pertaining to it. Sermons are not ordinary speeches delivered atop the pulpit. Instead they bear a distinct structure which was the mark of the Prophet ﷺ.

متن

ولا تُشترَطُ لهما الطهارةُ، ولا أن يتولاهُما من يتولَّى الصَّلاةَ. ومن سُننِهما أنْ يخطُبَ على مِنبرٍ أو موضعٍ عالٍ

To have *tahārah* is not a pre-requisite for both sermons. One who leads the prayer need not necessarily deliver them. The Sunnah of the two sermons

Umm Hisham bint Harith ibn al-Nu'mān.

are: They should be delivered atop a pulpit or an elevated ground.

"To have *tahārah* is not a pre-requisite for both sermons": I.e. he may deliver the sermons without *tahārah*, although being in a state of cleanliness is better.

"One who leads the prayer need not necessarily deliver them": It can be done by separate individuals. However, it is better for the *imām* leading the prayer to deliver the sermons.

The recommended *sunan* (supererogatory) acts of the two Friday sermons:

"The Sunnah of the two sermons are: They should be delivered atop a pulpit or an elevated ground": This is so that the preacher can be seen by the people, it is an ideal method to project information and it was done this way by the Prophet ﷺ. The Messenger ﷺ used to lean against a date palm trunk when he delivered the sermons. Later on, a pulpit was built and he used to deliver the sermons from it.[73]

This is evidence to prove that it is a Sunnah to deliver sermons atop a pulpit or something that is raised. However, the sermons are valid if one delivers it on level ground as was the practice of the Prophet ﷺ before the pulpit was built.

متن ويسلِّم على المأمومينَ إذا أَقبلَ عليهم ثم يجلِسُ إلى فراغِ الأذان

He greets those gathered for prayer when he faces them. He then sits until the *adhān* is concluded.

"He greets those gathered for prayer when he faces them": Among the Sunnah acts of the two sermons are: To send greetings of *salām* to the *ma'mūmīn* as soon as he climbs atop the pulpit. He does this by facing the people and saying, "*Assalāmu'alaykum wa rahmatullāhi wa barakātuh.*" The Prophet ﷺ used to do this.[74]

"He then sits until the *adhān* is concluded": It is a Sunnah for the preacher to

73 Reported by al-Bukhārī (4/237) and al-Tirmidhī (505) from the narration of Ibn 'Umar.

74 Reported by Ibn Mājah (1109) from the narration of Jābir ibn 'Abdullah. This was mentioned by Abdul Razzāq in *al-Mussanaf* (5281 and 5282).

sit while atop the pulpit until the *adhān* is concluded. Bilāl ﷺ used to call the *adhān* while the Messenger ﷺ sat waiting. This is the *wājib adhān* regarding which Allah mentions in the ayah: **{O you who have believed, when [the *adhān*] is called for the prayer on the day of Jumu'ah [Friday], then proceed to the remembrance of Allah and leave trade. That is better for you, if you only knew.}**[75]

This was the only *adhān* called for the Friday prayer during the lifetime of the Prophet ﷺ which indicates that the prayer is due. As for the first *adhān* (called before the specified time for *zuhr* prayer), it was introduced during the lifetime of 'Uthmān ﷺ the third of the rightly-guided caliphs. When the Muslim population increased, Madīnah expanded to accommodate them. Since the Muslims became busy in their work and trade, 'Uthmān ﷺ felt that they should be reminded of the Friday prayer early so they would have ample time to get ready for it. Furthermore, the second *adhān* was performed with the *khatīb* (the preacher), so it was not loud and not many people could hear it. Even, if they heard it, there was not much time for them to leave their work or business and ready themselves to attend the prayer.

'Uthman ﷺ commanded that the *adhān* be called on the streets so that the people of Madīnah would hear it. This act is a Sunnah of the rightly-guided caliph. The Prophet mentioned, "Incumbent upon you is my Sunnah and the Sunnah of the rightly-guided caliphs."[76] He did this act with the approval and support of the Companions who were from among the Muhājirīn and Ansār.

Anyone who claims that this act is an innovation is an ignoramus who knows next to nothing about the Sunnah. It is not an innovation but a Sunnah brought about by a rightly-guided caliph. This Sunnah was endorsed by the Muhājirīn and the Ansār and this Sunnah has been practiced by all Muslims to our present time. Those who claim that it is an innovation in fact do not know what is Sunnah or *bid'ah* (innovation).

متن **ويجلِسُ بين الخُطبتين، ويخطُب قائماً، ويعتمدُ على سيفٍ أو قوسٍ أو عصاً، ويقصِدُ تِلْقاءَ وجْهِهِ، ويقصُرُ الخُطبَةَ، ويدعو للمسلمين**

75 Al-Jumu'ah: 9

76 An excerpt from a lengthy hadīth. Reported by Ahmad (4/126), Abu Dawūd (4607) and al-Tirmidhī (2676) from the narration of al-'Irbādh ibn Sāriyah.

He sits between the two sermons and stands to deliver them. He may lean on a sword, a bow or a staff. He faces ahead, shortens the sermon and supplicates for the Muslims.

"He sits between the two sermons": It is a Sunnah that the preacher sits between the two sermons as was the practice of the Prophet ﷺ.[77]

"And stands to deliver them": This is a Sunnah for both sermons. The Prophet ﷺ stood to deliver the sermons. Allah says: **{But when they saw a transaction or a diversion, [O Muhammad], they rushed to it and left you standing.}**[78] That is, while he was delivering the sermon. This is an evidence to show that standing is a Sunnah when delivering the sermons of the Friday prayer. It is best and closer to perfection that one stands to deliver the sermons if he is capable of it.

"He may lean on a sword, a bow or a staff": This is yet another Sunnah of the sermon. This was practiced by the Prophet ﷺ who used to lean on the bow sometimes and on a staff at others.[79] This aided him in standing throughout the sermon which in turn made it easy for him to deliver the sermon.

It is perfectly acceptable if the preacher does not lean on a thing. He should not gesture with his hands while delivering the sermon. Instead, he should be still and not make unnecessary movements.

"He faces ahead": This is also a Sunnah of the Friday sermon. The preacher should not swing his head from left to right but rather look ahead. The Prophet ﷺ, did not shift his head to the right or to the left while delivering the sermon. As for those attending the Friday prayer, they should face the preacher. The Companions used to look intently at the Messenger of Allah ﷺ when he delivered the sermon[80] so as to focus and benefit from it.

---

77 Reported by Muslim (3/9) from the narration of Jābir ibn Samrah.

78 Al-Jumu'ah: 11

79 Reported by Ibn Mājah (1107) from the narration of Sa'd ibn Ā'idh who said, "If the Messenger of Allah ﷺ delivered a sermon while at the battlefield, he leaned on a bow. At other times, he leaned on a staff."

80 Reported by Ibn Mājah (1136) from the narraton of 'Adī ibn Thābit who related it from his father who said, "When the Prophet ﷺ stood on the pulpit, his Companions faced him."

"Shortens the sermon": This is another Sunnah of the Friday sermon. The Prophet ﷺ used to deliver short sermons and commanded others to do likewise. He ﷺ said, "When a person shortens his sermons and lengthens his prayer, it reflects his high level of understanding." Referring to his understanding of the *dīn*. He also said, "Lengthen the prayer and shorten the sermon."[81]

The people innovate in our present times by lengthening the sermons and making the prayers brief; a direct contrast of the Sunnah which the Prophet ﷺ had commanded. Not only do they lengthen the sermons, they are lackadaisical when it comes to implementing the pre-requisites of the sermon to such an extent that its validity is in doubt and in extension the Friday prayer itself.

We must bear in mind the command of the Prophet ﷺ. So the preacher should deliver a concise yet meaningful sermon. It should not be so brief that none understands it and it should not be too lengthy that it bores the listeners. The listeners should be pleased with the sermon. It should not be so verbose to the extent that it is both tiring and unpleasant to the listeners.

The preacher should himself focus on the sermon and the topic discussed in it, making it brief and delivering only the essential information. He must deliver it in a lucid fashion without reducing its impact. It should not be an ordinary speech but instead should sway the hearts of the listeners, making them listen to it attentively.

"And supplicates for the Muslims": This is a Sunnah of the Friday sermon. This is because the Muslims are in need of supplication. The preacher supplicates for their well-being, their guidance, their enlightenment and their steadfastness in practicing their *dīn*. He also supplicates that Allah rectifies both their religious and worldly affairs. This is a great task due to the Muslims being assembled. The congregation replies to the supplication by saying "*amīn*". It is assumed that the supplications will be granted.

The preacher supplicates for the well-being of the Muslim ruler.[82] His well-being will pave the way for the well-being of his countrymen. The preacher invokes Allah to rectify the ruler's affairs, for his steadfastness, his enlightenment and guidance. This is a good deed on the part of the preacher and the Muslims

81 Reported by Muslim (3/12) and Ahmad (4/263) from the narraton of 'Ammār.

82 See *al-Mughnī* (3/181).

who reply with "*amīn*" to the supplication for the ruler.

Imām Ahmad said, "If we know that an invocation will be surely granted, then we would invoke for the ruler." Imām Ahmad uttered this even as the ruler during his lifetime was causing him great distress and harm. This is an advice from Imām Ahmad, left behind as a legacy for the Muslims. If Allah guides the ruler and makes him righteous, the masses will benefit and their well-being can be assured.

Some people dislike supplicating on behalf of the rulers. They consider it flattery and ingratiating oneself to the ruler. They go on and on with these kinds of comments which reflects their ignorance or vain desires. Some of these people are envious of the rulers and may also have hatred for them. Some others are plain ignorant. Supplicating for the Muslim ruler is an act enjoined by generations of Muslims for therein lays much benefit for Islam and the Muslims.

فصـــل
SECTION

متن

والجمعةُ ركعتانِ يُسنُّ أن يَقْرأَ جهراً في الأُولى بالجُمعة وفي الثانيةِ بالمنافقين

The Friday prayer consists of two *rakāts*. It is a Sunnah to recite aloud Sūrah al-Jumu'ah and al-Munāfiqūn in the first and second *rakāt* respectively.

"Section: The Friday prayer consists of two *rakāts*": The Friday prayer is two *rakāt* which is agreed upon by all Muslims.[83] This is what the Prophet ﷺ prescribed for us. 'Umar said, "Friday prayer is two *rakāts*, which is the complete prayer and not the shortened form. Indeed the one who belies this shall be unsuccessful."[84]

"It is a Sunnah to recite aloud": The two *sūrahs* are read aloud after reciting aloud Sūrah al-Fātihah for the Friday prayer, the two 'Eid prayers, the prayer seeking rain and the eclipse prayer. The recitation in all of these prayers is to be done aloud, regardless of them being prayed during the day.

This is so as to let the Muslims in attendance listen to the Book of Allah as this will touch their hearts. This is the advantage of reading the *ayāt* aloud.

"Surah al-Jumu'ah and al-Munāfiqūn in the first and second *rakāt* respectively": After reciting al-Fātihah, the *imām* should read portions from the Qur'ān that are convenient to him. However, it is better to read in the first *rakāt* Sūrah al-Jumu'ah as this *sūrah* emphasises the importance of attending the Friday

83 See *al-Ijmā'* by Ibn al-Mundhir (p. 38).

84 Reported by Ibn Mājah (1/338).

prayer. In this *sūrah*, Allah commands us to remember Him, reminding us of His favour when he sent the Messenger ﷺ saying: **{It is He who has sent among the unlettered a Messenger from themselves reciting to them His verses.}**[85]

The word *al-umiyīn* actually refers to people who are illiterate. This great Prophet ﷺ was sent to these people and the magnificent Qur'ān was sent to them. These are the greatest bounties of Allah upon this Ummah.

{Reciting to them His verses and purifying them and teaching them the Book and wisdom - although they were before in clear error.} I.e. before the Messenger ﷺ was sent to them they were worshipping idols and engaged in licentious acts. Allah removed them away from this evil condition and gave them Islam. As a result, they became the best of creations. They used to be the worst of mankind. With the coming of the Messenger ﷺ they became the best of mankind. This yet again is the greatest blessing upon the Muslims.

This *sūrah* refutes the Jews who are adverse to Islam and who deny the message of the Messenger of Allah ﷺ with these words: **{Say, "O you who are Jews, if you claim that you are allies of Allah , excluding the [other] people, then wish for death, if you should be truthful."}**[86]

Their claim is, "We are the allies of Allah and we are the children of Allah. We are also the chosen people while the rest of mankind are our servants who lay below our feet."

Allah refutes them saying: **{But they will not wish for it, ever, because of what their hands have put forth.}**[87]

For they know themselves to be disbelievers who are in falsehood. They know that when they meet Allah, they will end up in the Hellfire. Knowing this, they do not wish for death.

There is a warning in Sūrah al-Munāfiqūn against hypocrisy (*nifāq*). The *sūrah*

85 Al-Jumu'ah: 2

86 Al-Jumu'ah: 6

87 Al-Jumu'ah: 7

describes the characteristics of the hypocrite as the Friday prayer was attended by the *munāfiqūn*. This *sūrah* was read so that the hypocrites would hear it and repent to Allah for their hypocrisy and to warn the Muslims regarding hypocrisy.

At the end of the *sūrah*, there is a warning against flouting the remembrance of Allah. He says: **{O you who have believed, let not your wealth and your children divert you from remembrance of Allah.}**[88]

This great *sūrah* warns against hypocrisy, encourages one to ready himself for the Hereafter. It commands us to remember Allah, which keeps the heart alive and it commands us to obey Him.

The *imām* may also recite Sūrah al-A'lā in the first *rakāt* and Sūrah al-Ghāshiyah in the second *rakāt*. These two *sūrahs* command us to obey Allah. They elaborate the way of the pious: **{He has certainly succeeded who purifies himself. And mentions the name of his Lord and prays.}**[89]

This *sūrah* relates the way the pious draw close to Allah and the way of the evil-doers. It warns against prioritising the worldly life over the life of the Hereafter. It is indeed a great *sūrah*.

Sūrah al-Ghāshiyah is similar to it. Allah explains the events that mankind shall face on the Day of Judgement, that they will be divided into two groups, and what each group shall go through on that Day: **{[Some] faces, that Day, will be humbled. Working [hard] and exhausted. They will [enter to] burn in an intensely hot Fire. They will be given drink from a boiling spring. For them there will be no food except from a poisonous, thorny plant. Which neither nourishes nor avails against hunger. [Other] faces, that Day, will show pleasure. With their effort [they are] satisfied. In an elevated garden.}**[90]

At the end of the *sūrah*, Allah lets man reflect on the signs of Allah found in the creations: **{Then do they not look at the camels - how they are created? And at the sky - how it is raised? And at the mountains - how they are erected? And at the earth - how it is spread out? So remind, [O Muhammad]; you**

88 Al-Munāfiqūn: 9

89 Al-A'lā: 14-15

90 Al-Ghāshiyah: 2-10

are only a reminder. You are not over them a controller.}[91]

متن

وَتَحْرُمُ إقامتُها في أكثرِ من موضعٍ من البلدِ إلا لحاجةٍ، فإن فَعَلُوا فالصحيحةُ ما باشَرَها الإمامُ أو أَذِنَ فيها، فإن استويا في إذن أو عدمه فالثانية باطلة، وإن وقعتا معاً أو جُهِلَت الأولى بَطَلَتَا

It is forbidden to be held in more than one place in an area unless there is a necessity. If done so, it is only valid when the *imām* himself attends it or if he gives permission for it. If two Friday prayers are equal in terms of being given permission or the lack of it, then the later prayer is considered invalid. If it is conducted at the same time or it is unknown when the first prayer was performed, then both the prayers are invalid.

"It is forbidden to be held in more than one place in an area unless there is a necessity": This is because the objective of the Friday prayer is to gather the residents of an area at a single *masjid*. This was the practice during the lifetime of the Prophet ﷺ. They gathered at the Prophet's *masjid* and prayed as a single congregation. If it is possible to gather all residents of the area in one *masjid*, then it becomes *wājib* to do so. If a second or third session of the Friday prayer needs to be performed, it may be done so provided that the area is large and has an expansive territory.

"If done so, it is only valid when the *imām* himself attends it or if he gives permission for it": If many Friday prayers are performed within an area unnecessarily, then only the Friday prayer that was performed with the permission of the *imām* or to which he attended is valid. The permission of the *imām* mentioned here is sought if repetition of the Friday prayer is unprecedented. Repetitions of Friday prayer cannot be held except with Islamic rulings being issued from the authorised body which will determine if there is a need or not.

"If two Friday prayers are equal in terms of being given permission or the lack of it, then the later prayer is considered invalid. If it is conducted at the same time or it is unknown when the first prayer was performed, then both the prayers are invalid": That is, both the prayers which are performed without a need are permitted by the *imām* or lacking it. Only the prayer performed first from among the two prayers is valid. This is because the obligation to perform

91 Al-Ghāshiyah: 17-22

the Friday prayer ceases with the performance of the first prayer. The second Friday prayer is invalid, hence they must perform the *zuhr* prayer instead. However, if both prayers are held at the same time or if the timing sequence is unknown, such that some say the first prayer is valid while others say the second is valid, then both prayers are invalid. This is because one claim does not have an advantage over the other. The people must perform the *zuhr* prayer instead of the Friday prayer except when there is sufficient time still available to perform the Friday prayer. In this case, they may perform the Friday prayer.

متن

وأقلُّ السُّنَّةِ بعد الجمعة ركعتان، وأكثرُها ستٌّ

And the least number is two *rakāt* of Sunnah prayer after the Friday prayer and the most is six *rakāts*.

There are no *rātibah* prayers before the Friday prayer. This is in contrast to *zuhr*, which has *rātibah* prayers before and after it.

However, one may perform Sunnah prayers as many units as are convenient to him once he enters the *masjid* when attending the Friday prayer. These units of prayers are general Sunnah prayers called *nafl mutlaq*. He may perform these prayers and busy himself with the remembrance of Allah and recitation of the Qur'ān while waiting for the arrival of the *imām*. It is best for him to continuously offer units of *nafl mutlaq* from his entry into the *masjid* until the arrival of the *imām*.

"And the least number is two units of Sunnah prayer after the Friday prayer": This is by way of consensus. The Prophet ﷺ used to pray two *rakāt* of Sunnah prayer at his home.[92]

"And the most is six *rakāts*": Performing four *rakāt* with two *taslīms* has been reported in a hadīth.[93] And performing six *rakāt* has also been reported, with the *taslīm* performed after every two *rakāt*. The most complete and perfect deed would be to pray six *rakāt* of it, the middle would be four *rakāt* and then the least would be two *rakāt*. This is what is authentically narrated regarding the *rātibah* prayers after the Friday prayer.

92 Reported by al-Bukhārī (2/16) and Muslim (3/17) from the narration of 'Abdullah ibn 'Amr.

93 Reported by Muslim (3/16) from the narration of Abu Hurairah who said, "The Prophet ﷺ said, 'If one of you performs Friday prayer, let him perform four *rakāt* after it.'"

It is best for a person to perform two units of *rātibah* prayer if he performs it at his home as was the practice of the Prophet ﷺ. If one decides to pray at the *masjid*, then he should pray four or six *rakāt*.

متن ويسنُّ أن يغتسل لها-وتقدم- ويتنظف ويتطيب، ويلبس أحسن ثيابه

It is from the *sunan* of Jumu'ah (Friday) to take a bath, which we have discussed, clean himself, apply perfume and wear his best clothes.

"It is from the *sunan* of Jumu'ah (Friday) to take a bath, which we have discussed, clean himself": These are Sunnah acts of Friday. Having a bath (*ghusl*) was discussed earlier on in the book, in the Book of *Tahārah*. Having a bath on Friday is a strongly recommended Sunnah (*mu'akkadah*). Some scholars claim that it is *wājib*,[94] based on the hadīth, "Taking a bath on Friday is *wājib* upon all those who have reached puberty."[95]

However, the majority of the scholars are of the opinion that it is either *mustahab* (recommended) or Sunnah *mu'akkadah*. They substantiate this with the hadīth of the Prophet ﷺ: "He who performs *wudū* on the day of Jumu'ah, in it is blessing. He who performs *ghusl*, this is better."[96] This hadīth proves that taking a bath is better, hence it is not *wājib*. The majority of the scholars are of this view.

Imām ibn al-Qayyim said, "If he is soiled by dirt or his body has a foul smell, then it is *wājib* for him to take a bath so that this foul smell, which is caused by perspiration, is removed. If his body does not have a foul smell or perspiration, then it is only *mustahab* that he take a bath."[97]

This is because Friday is a day when people come together and so it is incumbent upon us to prepare for it by taking a bath, applying perfume and wearing clean and fine clothes. Friday is the 'Eid day of the week, when Muslims gather. Hence he should adorn himself, groom himself well and smell nice.

94 See *al-Mughnī* (3/224-225).

95 Reported by al-Bukhārī (1/217), (2/3, 6) and Muslim (3/3) from the narration of Abu Sa'īd al-Khudrī.

96 Reported by Abu Dawūd (354), al-Nasā'ī (3/94) and al-Tirmidhī (497) from the narration of Samrah.

97 See *Zād al-Ma'ād* (1/376-377).

"Apply perfume": Apply the best perfume he has in anticipation of the day of 'Eid and enjoyment.

"And wear his best clothes": He should adorn himself with the best clothes he has, which is appropriate for this great day.

متن

ويبكر إليها ماشياً، ويدنو من الإمام

He arrives early, walking to the *masjid* and sits close to the *imām*.

"He arrives early": It is *mustahab* that one arrives early for the Friday prayer. However, this etiquette is lost amongst the people nowadays. Even those living beside the *masjid* and even the students of knowledge do not arrive early and are amongst the last to arrive. Due to this lax approach, goodness is being deprived. Muslims are duty bound to arrive early for the Friday prayer.

The Prophet ﷺ said, "Whoever comes [to the *masjid*] in the first hour, it is as if he sacrificed a camel. Whoever comes at the second hour, it is as if he sacrificed a cow. Whoever comes at the third hour, it is as if he sacrificed a horned ram. Whoever comes at the fourth hour, it is as if he sacrificed a chicken. Whoever comes at the fifth hour, it is as if he sacrificed an egg."[98] After the fifth hour, there is no sacrifice. Hence Muslims should try and gain rewards by arriving early at the *masjid* for the Friday prayer.

"Walking": I.e. towards the *masjid*. Every footstep that he takes towards it is recorded. If the *masjid* is far away and there is a need to use transport, then he may do so. However, he must do his level best to walk to the *masjid* for it is better to possess humility and unpretentiousness in walking to the *masjid* for the sake of Allah.

"And sits close to the *imām*": It is *mustahab* that he sits as close as he can to the *imām* as virtues regarding this act on a Friday have been reported. The closest of people to Allah on the Day of Judgement, the Day of increase will be those who were the earliest to attend the Friday prayer. These people shall visit the Creator ﷻ every Friday. The earliest to meet Allah and the closest to Him will be those who were the earliest to come to the *masjid* for the Friday prayer. Those who came late for the prayer will be the last to be with Allah ﷻ.

98 Reported by al-Bukhārī (2/3) and Muslim (3/4) from the narration of Abu Hurairah.

متن ويقرأ سورة الكهف في يومها ويكثر الدعاء والصلاة على النبي ﷺ، ولا يتخطَّى رقاب الناس إلا أن يكون إماماً أو إلى فُرْجةٍ، وحَرُم أن يقيمَ غيره فيجلسَ مكانَه إلا من قَدَّم صاحباً لـه فجلس في موضع يحفظه لـه

To read Sūrah al-Kahf on Friday, to increase in *du'ā* and in sending salutations upon the Prophet ﷺ, not skip over the necks of people except if he is the *imām* or if there is a gap. It is prohibited to ask someone who is already seated at a spot to move from it so that he may sit there unless it is a person he sent to reserve the spot on his behalf.

"To read Sūrah al-Kahf on Friday": It is *mustahab* to read Sūrah al-Kahf on Friday as there are *ahadīth* which mention the virtues of doing so.[99] Though the [authenticity] of these *ahadīth* is not devoid of discussion, when they are brought together they support the virtues of reciting the *sūrah* on Fridays.

"To increase in *du'ā*": As Friday is a day of significance. The Prophet ﷺ informed us that there is a particular hour on Friday in which a Muslim shall not come by, while standing in prayer engaged in the invocation of Allah and asking Him something, except that it shall be granted.[100] However, the particular time period is unknown. Allah concealed it so that the Muslims would put great effort throughout the whole day in invoking Him, so that the Muslims would engage in the remembrance of Allah throughout the day so that they receive immense rewards.

"And sending salutations upon the Prophet ﷺ": It is also *mustahabb* that one increases sending Allah's blessings upon the Prophet. This is a right he has upon us. It is also an injunction of Allah. He says: **{O you who have believed, ask [Allah to confer] blessing upon him and ask [Allah to grant him] peace.}**[101]

"Not skip over the necks of people": It is prohibited to step across the shoulders of people already seated. A man entered the *masjid* while the Prophet ﷺ was delivering the sermon and started to cross over the shoulders of those

99 Reported by al-Hākim (2/368), al-Bayhaqī (3/249) from the narration of Abu Sa'īd al-Khudrī who heard the Prophet ﷺ say, "Whoever reads Sūrah al-Kahf on Friday, it shall be a radiance for him for the period between the two Fridays."

100 Reported by al-Bukhārī (2/16), (7/66), (8/105) and Muslim (3/5) from the narration of Abu Hurairah.

101 Al-Ahzāb: 56

seated. The Prophet addressed him saying, "Sit down! Indeed you are late and you are harming others."[102] I.e. "Not only are you late but you harm others by crossing over the shoulders of those already seated." The correct etiquette is to sit wherever one finds an empty place, even if it is at the back of the *masjid*. He had squandered his chance to sit in the front by being late for the prayer.

"Except if he is the *imām* or if there is a gap": It is prohibited to step over the shoulders of those already seated while trying to find a place at the front of the *masjid* except in two cases:

First: If one was the *imām* and there is no other way to the pulpit except through the congregation.

Second: If he notices an empty spot in the row ahead, he may move forward to fill up the gap in the row. The others are in error as they left a gap and for not having filled up the row properly.

"It is prohibited to ask someone who is already seated at a spot to move from it so that he may sit there": If someone else sat at the spot where he normally sits at the *masjid* for the Friday prayer or other than it, the one who is already seated has more right to it than the other person. Whoever sits at a place first is more worthy of the spot.[103]

"Unless it is a person he sent to reserve the spot on his behalf": If he had dispatched his friend, servant or one of his children to reserve the spot for him, then there is no problem in asking him to move from the spot so that he can sit there. This is because the one who was already sitting at the spot was his representative.

متن

وحَرُم رفعُ مُصَلًّى مفروش ما لم تَحْضر الصلاة، ومن قام من مكانه لعارض لَحِقَهُ ثم عاد إليه قريباً فهو أحقّ به

To remove a prayer mat placed to reserve a spot is prohibited until the prayer commences. One who leaves his spot due to a predicament he faces

102 Reported by Abu Dawūd (1118), al-Nasā'ī (3/103) and Ahmad (4/188, 190) from the narration of 'Abdullah ibn Basr and by Ibn Mājah (1115) from the narration of Jābir ibn 'Abdullah.

103 Reported by Abu Dawūd (3071), al-Bayhaqī in *al-Sunan* (6/142) and al-Tabarānī in *al-Mu'jam al-Kabīr* (1/280) from the narration of Asmar ibn Mudhris.

has a right over that spot if he returns to it in a short while.

"To remove a prayer mat placed to reserve a spot is prohibited until the prayer commences": Placing a mat to reserve a spot in the *masjid* requires elaboration:

If a person places the mat to reserve his spot, leaves the spot to fulfil a need and returns to it in a short while, then he has the right over that spot and is most worthy of it. However, if he places the mat to reserve his spot and then leaves the *masjid* without a valid reason, then he has no right over that spot.[104]

"One who leaves his spot due to a predicament he faces has a right over that spot if he returns to it in a short while": If he has to fulfil a need that forces him to leave his spot and his intention is that he will return promptly, then he has the priority to that spot.

متن ومن دخل والإمامُ يخطب لم يجلس حتى يُصلِّيَ ركعتين يوجز فيهما، ولا يجوز الكلامُ والإمامُ يخطبُ إلا لـه أو لمن يكلمه، ويجوز قبل الخطبة وبعدها

If one enters the *masjid* while the *imām* is delivering the sermon, he should not sit down until he prays two *rakāt* of concise prayer. Talking while the *imām* is delivering the sermon is prohibited, except the *imām* or those spoken to by the *imām*. It is permissible before and after the sermon.

"If one enters": I.e. for the Friday prayer.

"While the *imām* is delivering the sermon": The Friday sermon.

"He should not sit down until he prays two *rakāt* of concise prayer": The prayer in this circumstance should be brief. The Prophet ﷺ ordered a man who entered the *masjid* while he was delivering the sermon to pray two *rakāt* of prayer.[105] This is evidence that this prayer is legislated in Islam and that one should not sit down until after performing this prayer. However, he should perform a brief prayer so that he may listen to the sermon.

---

104 It is mentioned in *al-Iktiyārāt al-Fiqhiyyah*, "If he placed his mat on the ground but did not sit on it, then he has no rights over the spot. Others can remove his mat. This is the most common view among the scholars." (p. 81)

105 Reported by al-Bukhārī (2/15) and Muslim (3/14, 15) from the narration of Jābir ibn 'Abdullah.

"Talking while the *imām* is delivering the sermon is prohibited": Below are some of the etiquettes while the sermon is being delivered:

One: If one enters the *masjid* while the *imām* is delivering the sermon, he must offer two units of prayer before sitting down.

Two: There should be no talking during the two sermons. In fact, it is *wājib* to listen attentively to them.

These etiquettes underscore the importance of the Friday sermons. It is incumbent on both the preacher and the congregation to ensure the effectiveness of the sermons. The preacher should present the points of the sermon topic clearly, and ensure that it conforms to the *Sharī'ah*. He should include in it the praise of Allah and His glorification, the *shahādatayn* and salutations upon the Prophet ﷺ. He delivers it in such a manner that rattles the heart and recites *ayāt* of the Qur'ān in it that are associated with the sermon topic.

A sermon is not a normal speech spoken atop the pulpit or a speech that does not address the concerns of the people. In fact, a sermon topic tackles the issues of the masses and their needs. It rectifies the errors of the society and informs of Islamic issues which many of its members are unaware of, especially the issues pertaining to creed (*aqīdah*). The preacher takes great effort to explain the creed for it is the *asl* (foundation) of the *dīn*. Being in a state of ignorance and error in relation to creed is tantamount to tainting one's faith and may lead to its loss. So the preacher emphasises it and warns the listeners about the matters that tarnish the creed as there are a lot of misconceptions among the people regarding the creed.

The preacher should try to ensure that he delivers a high quality sermon that affects the people as how the Prophet ﷺ used to deliver his sermons. His eyes would turn blood-shot, he would raise his voice, and he would increase in emotion. His manner was to the extent that it seemed that he was warning the army, "[The enemy is to attack you] in the morning and in the evening!"[106] This is the way of the preacher (*khatīb*).

As for the listeners, their duty is to be silent and pay attention to the preacher. They should not be preoccupied with anything else. They should not fidget

106 Reported by Muslim (3/11) from the narration of Jābir ibn 'Abdullah.

or fiddle with their hands. They should listen attentively to the sermon. The Prophet ﷺ forbade talking while the preacher is delivering the sermon. He said, "Whoever says '*sah*' on Friday while the *imām* is delivering the sermon, indeed has squandered. He who fiddles with a pebble has squandered. There is no Friday prayer for he who has squandered."[107] The Prophet ﷺ also said, "He who talks on the day of Jumu'ah while the *imām* is delivering the sermon is like a donkey which carries volumes of books."[108] That is, he is present for the prayer but has gained nothing. Hence, he is like a donkey which carries books but does not benefit from them.

This yet again highlights the importance of the sermons and the functions played by the preacher and the listeners. If the members of the congregation talk while the *imām* is delivering the sermon, then their reward for the prayer is lost, though one is not required to repeat the prayer. This is a great loss indeed which receives scant attention from the people. This is the reason why many attend the prayer only after the sermon has been concluded. Even when they arrive at the *masjid* early, they pay no attention to the preacher and do not know what he is talking about.

This is akin to the attitude of the hypocrites. Allah says: **{And among them, [O Muhammad], are those who listen to you, until when they depart from you, they say to those who were given knowledge, "What has he said just now?"}**[109]

They do not know what the preacher said in his sermon. It is *wājib* for the Muslim to attend the sermon, be silent, listen and grasp its content.

"Except the *imām* or those spoken to by the *imām*": That is, speaking is not allowed while the sermon is being delivered. The exceptions are: Firstly, the *imām* who is allowed to talk if he has to alert the congregation about a thing that concerns them.

Secondly, the members of the congregation may speak if the *imām* asks them a question. The Prophet asked the man who entered the *masjid* and sat, "Have you prayed two *rakāt*?" To which the man said, "No." The Prophet then said,

107 Reported by Ahmad (1/93) and Abu Dawūd (1051) from the narration of 'Alī.

108 Reported by Ahmad (1/230) from the narration of Ibn 'Abbās.

109 Muhammad: 16

"Get up and pray two *rakāt*."[110] The Prophet asked the man a question and he replied to it. This happened in the midst of the sermon. Talking was allowed as there was a need for it.

In another similar incident, a man entered the *masjid* while the Prophet ﷺ was delivering the sermon. He complained to the Prophet about the drought, the lack of rain and the needs of the Muslims. He requested that the Messenger ﷺ invoke for rain on behalf of the Muslims. The Messenger ﷺ raised his hands and invoked to Allah for rain. While he was invoking, clouds formed and spread in the sky. It rained soon after and all of them went out into the rain. Rain water flowed on the ground and the rain lasted for a week. The man entered the *masjid* the next Friday and requested that the Messenger invoke Allah to hold back the rain. The excessive rain was causing much harm to the Muslims. The Prophet ﷺ raised his hands and invoked Allah to make the sky cloudless.[111]

"It is permissible before and after the sermon": Speaking is allowed before the sermon and after it has concluded. Speaking is only forbidden during the sermon. It is even allowed during the break in between the two sermons when the *imām* sits down to rest momentarily. However, it is better for the Muslims to busy themselves whilst they are in the *masjid* with the remembrance of Allah rather than engage in a conversation.

110 Reported by al-Bukhārī (2/15) from the narration of Jābir ibn 'Abdullah.

111 Reported by al-Bukhārī (2/15, 36, 37), (4/236) and Muslim (3/25) from the narration of Anas ibn Mālik.

باب صلاة العيدين
CHAPTER: THE TWO 'EID PRAYERS

"Chapter: The Two 'Eid Prayers": The chapter on the Friday prayer is followed by the chapter on the two 'Eid prayers. The connection between them is quite obvious. People gather for the two 'Eid prayers like they gather for the Friday prayer. These prayers are common in that they consist of two sermons, are two *rakāt*. However, the 'Eid prayers have different rules and conditions from the Friday prayer.

Are the 'Eid prayers *wājib* in the communal sense or personal sense, or are they Sunnah prayers?

The scholars hold three opinions:

First: They are *wājib* communally (*kifāyah*).[112] If some people of the community perform it, the others in that community are absolved of the duty. However, if none performs the two 'Eid prayers, than the whole community has sinned. If they colluded with each other to wilfully abandon performing these prayers, then they must be fought against (to rectify them). Such a punitive action is taken due to the fact that these prayers are famous signs of Islam.

Just as if the *adhān* or the *iqāmah* are abandoned on purpose during the prayer, then a military campaign shall be waged against this group of people who have neglected a communal obligation.

---

112 It is mentioned in *al-Insāf,* "This is the view of the Hanbalī *madhab* which is endorsed by most of its scholars." (2/420)

Second: They are an obligation upon every Muslim (*fard 'ayn*). This is the view held by the Hanafī *madhab* and the preferred view of Shaykh al-Islam ibn Taymiyyāh.[113]

Third: They are Sunnah.[114] This view is held by the majority of the scholars. They base this view on the incident where a man asked regarding the five obligatory prayers and the Prophet ﷺ explained to him regarding them. The man then asked, "Am I obliged to perform any other prayer?" The Prophet ﷺ replied, "No, except that which you want to offer of supererogatory prayers."[115] This hadīth is proof that there is no obligatory prayer except the five daily prayers. A further evidence would be the Prophet's saying, "Five prayers were written [as obligation] by Allah in a day and night."[116]

The following ayah is a proof from the Qur'ān: **{Indeed, prayer has been decreed upon the believers a decree of specified times.}**[117] The word "*kitāban*" in this ayah means *fard* (obligatory). This is proof that apart from the five daily prayers, all other prayers are *nafl*, the 'Eid prayers included. This is the view of the majority of the scholars.

Shaykh al-Islam ibn Taymiyyah preferred the second opinion, that 'Eid prayers are an obligation upon every Muslim (*fard 'ayn*). It is also the *madhab* of Imām Abu Hanīfah. This is because this was the action of the Prophet ﷺ and he was consistent in performing it to the extent that menstruating women and women who secluded themselves within their homes were ordered to attend the 'Eid prayer, though the menstruating women kept away from the prayer area.[118] This is proof that it is *wājib* and this is a clear and strong view.

The 'Eid prayers are connected with the two 'Eid festivals i.e. the performance of the 'Eid prayer is due to the day of 'Eid. The word 'Eid refers to something

113 See *al-Iktiyārāt al-Fiqhiyyah* (p. 123).

114 View held by Imām Mālik and a large number of the Shāfi'ī scholars. See *al-Mughnī* (3/253).

115 Reported by al-Bukhārī (1/81), (3/235) and Muslim (1/31) from the narration of Talha ibn Ubaydillah al-Taymī.

116 It is an excerpt from the hadīth mentioned earlier.

117 Al-Nisā: 103

118 Reported by al-Bukhārī (1/99), (2/26, 28) and Muslim (3/20) from the narration of Umm 'Atiyah.

that recurs and repeats itself weekly like Friday or yearly like 'Eid al-Fitr and 'Eid al-Adhā. The plural for 'Eid is *a'yād* in Arabic.[119]

'Eid is divided into two types:

***'Eid zamānī*:** 'Eid in relation to time, such as 'Eid al-Fitr and 'Eid al-Adhā.

***'Eid makānī*:** 'Eid in relation to place. Referring to places where Muslims gather for worship, such as the holy sites and Masjid al-Harām, where Muslims gather every year during the Hajj pilgrimage.

When the Prophet ﷺ arrived at Madīnah, the ignorant people were commemorating many festivals which they invented themselves. Some remnants of those festivals still linger to this day. Each and every individual brought forth a festival that was to his own taste and liking. He ﷺ noticed that the people of Madīnah celebrated two days in particular, the day of *nayrūz* and *mihrajān*. The Prophet ﷺ said, "Verily Allah has replaced these two festivals with another two festivals for you that are better than them, 'Eid al-Fitr and 'Eid al-Adhā."[120] The Messenger abolished the festivals of the days of ignorance and ordered that these two festivals of Islam be celebrated.

The Muslims do not have any other festival except the two days of 'Eid. If some people commemorate a festival other than these two: such as those who celebrate *'Eid al-Mawlid*, a coronation,[121] a day of victory, a day of migration etc. All of these are considered festivals of *jāhiliyyah* (ignorance).

If anyone takes these festivals as a form of worship or as being associated with Islam, then this is an innovation. An example of this is the celebration of *Mawlid al-Nabi*. If one does not consider these festivals as forms of worship, then it is said that he is imitating the ways of the ignorant people, the disbelievers and the polytheists. Examples would be the memorials and other such commemorations.

Such practices are considered as imitating the way of the disbelievers and it

---

119 See *al-Mutla'* (p. 108).

120 Reported by Ahmad (3/103), (3/178), Abu Dawūd (1134) and al-Nasā'ī (3/179) from the narration of Anas ibn Mālik.

121 Celebrations that mark the crowning of the new monarch or head of state.

contradicts the Prophet's command, "Verily Allah has replaced these two festivals with another two festivals for you." Hence, any addition of festivals is prohibited.

Any additional festival or celebration deemed to be a means by which to draw closer to Allah is classified as an innovation, and all innovations attributed to the *dīn* are wayward. An example would be Mawlid al-Nabi. The Prophet ﷺ said, "Verily, every new matter is an innovation and every innovation is astray."[122] He ﷺ also said, "He who does a deed that was not commanded by me will be rejected."[123]

In conclusion, the Muslims do not have a festival besides the two 'Eid festivals of 'Eid al-Fitr and 'Eid al-Adhā. Both these festivals are commemorated at the end of a pillar of Islam. 'Eid al-Fitr is celebrated after the completion of the pillar of fasting during the month of Ramadān. 'Eid al-Adhā is celebrated after the pillar of Hajj, after the standing at 'Arafah, the greatest rite of Hajj. The two days of 'Eid display our gratitude to Allah ﷻ and the glorification of Allah for the bounties that He bestowed upon the Muslims in the way of fasting during Ramadān and the Hajj pilgrimage to the Bayt al-Harām. The 'Eid celebrations are an open display of Islam and one of the famous signs of Islam. Thus, the two 'Eid days are not merely ends towards meaningless celebrations nor are they celebrations merely for amusement.

متن

وهي فرضُ كفايةٍ، إذا تركها أهلُ بلد قاتلهم الإمامُ

It is *fard al-kifāyah*. If all the people in a country abandon it, the *imām* shall punish them.

"It is *fard al-kifāyah*": I.e. the two 'Eid prayers are a communal obligation. If some people perform it, the others are absolved of the duty to do so. This is a view of Imām Ahmad.

Fard al-kifāyah is well-known. If some people fulfil the obligation, the others are absolved of this obligation and it is only Sunnah for them to perform that

122 This is an excerpt from a hadīth reported by Ahmad (4/126), Abu Dawūd (4607) and al-Tirmidhī (2676) from the narration of al-'Irbādh ibn Sāriyah.

123 Reported by al-Bukhārī (3/241) and Muslim (5/132) with different wording. Narrated by 'Aishah.

act of worship. If none fulfils the obligation, then the whole community is held accountable and it becomes a sin upon all of them. The objective of such an obligation is its fulfilment, not who fulfils it.

The difference between *fard al-kifāyah* and *fard al-'ayn* (personal obligation):

Fard al-kifāyah: The objective is its fulfilment, not focussing on which Muslim fulfils it.

Fard al-'ayn: The objective is its fulfilment and that all Muslims fulfil it. Hence the act of worship must be accomplished and it is each and every individual's duty to fulfil it. An example would be the five daily prayers and the Friday prayer.

"If all the people in a country abandon it, the *imām* shall punish them": That is if they wilfully abandon it or conspire to not perform it. In this case, the *imām* shall persecute the people as the 'Eid prayers are a famous sign and symbol of Islam. The Muslim leader shall be responsible to safeguard the symbols of Islam such that they are not desecrated nor made a mockery of.

متن وقتُها كصلاة الضُّحى، وآخرُه الزوالُ، فإن لم يعلم بالعيد إلا بعده صلَّوا من الغد

Its time is similar to the *duhā* prayer and the timing ends at *zawāl*. If 'Eid is not declared or is unknown until after *zawāl*, then the prayer is scheduled for the next day.

"Its time is similar to the *duhā* prayer and the timing ends at *zawāl*": The timing for the 'Eid prayers starts when it is time for the *duhā* prayer, that is, when the sun rises from the horizon a distance equal to the length of a spear. There is no optional prayer before this time. It ends with the entry of *zuhr* at the time of *zawāl* (just after the sun displaces from its zenith).

The evidence for this timing is the hadīth of Abu Umayr ibn Anas ibn Mālik al-Ansārī ﷺ, from his uncles from the Ansār who said, "The crescent moon of the month of Shawwāl was not visible to us so we fasted. Some people came to us that afternoon and informed the Prophet ﷺ that they had spotted the crescent moon the night before. The Prophet ﷺ ordered us to break our fast

and perform the 'Eid prayers the next day."[124]

This is evidence to show that the 'Eid prayers are not performed after *zawāl*. If it was permitted, the Prophet ﷺ would have ordered to do so on the day of 'Eid itself. The fact that he delayed it until the next day proves that if the timing for the prayer lapses, then the prayer is not to be performed on that day.

"If 'Eid is not declared or is unknown until after *zawāl*, then the prayer is scheduled for the next day": If 'Eid is not declared or is unknown, as when the crescent moon is only sighted after *zawāl*, then they must delay the prayer until the next day. They perform it during its time but with the intention that it is a replacement (*qadā'*) for the 'Eid prayer they missed the day before.

متن

وتُسنُّ في صحراء

The Sunnah is to perform it in an open ground.

The place for the 'Eid prayers:

"The Sunnah is to perform it in an open ground": It is the Sunnah to perform these prayers away from the buildings, as was the practice of the Prophet ﷺ who went with the people to perform the 'Eid prayer outside the borders of Madīnah.[125] Since the 'Eid prayers are an evident symbol of Islam it is better displayed when the people move to an open area to perform them.

Except Masjid al-Harām and Masjid al-Aqsa. 'Eid prayers should be performed in these two *masjids* for they are more virtuous than the surrounding places. This was also the practice during the lifetime of the Prophet ﷺ. The people of Makkah did not go out to an open ground to perform these prayers. They prayed at Masjid al-Harām, where the sacred Ka'bah is. Similarly, the 'Eid prayers were performed at Masjid al-Aqsa and not at an open ground. This was the practice of the Companions after the conquest of Bayt al-Maqdis.

In other lands though, it is Sunnah to pray at an open ground near dwellings

124 Reported by Ahmad (5/58) from the narration of Abu Umayr ibn Anas.

125 Reported by al-Bukhārī (2/22, 149), Muslim (3/20) from the narration of Abu Sa'īd al-Khudrī who said, "Verily, the Messenger of Allah ﷺ went out to the prayer area on the day of 'Eid al-Adhā and 'Eid al-Fitr and the first thing he did was to perform the prayer."

so that it will not be difficult for people to get to that area. A distant location may burden them. The Prophet ﷺ used to hold the prayers at a ground close to the Madīnah gate. If circumstances require them to pray within the *masjid*, then they are allowed to do so.

متن وتَقْديمُ صلاة الأضحى وعكسُه الفطر، وأكلهُ قبلها، وعكسُه في الأضحى إن ضحَّى

To expedite the prayer of al-Adhā and the opposite for al-Fitr. To eat before al-Fitr and the opposite for al-Adhā if one is planning to offer a sacrifice.

"To expedite the prayer of al-Adhā": It is *mustahabb* to expedite the prayer on 'Eid al-Adhā, praying it at the earliest time. This is to facilitate those planning to offer the sacrifice. Another reason is that on 'Eid al-Adhā, it is *mustahabb* to eat only after the prayer and sacrifice is done. He then eats the meat from the sacrificial animal as was the practice of the Prophet[126] ﷺ and as in the ayah: **{So pray to your Lord and sacrifice [to Him alone.]}**[127]

"And the opposite for al-Fitr": On the day of 'Eid al-Fitr however, the prayer is delayed. The *imām* delays the prayer so that it facilitates the handing out of the prescribed alms (*sadaqah al-fitr*) which has to be fulfilled before the 'Eid prayer.

"To eat before al-Fitr": It is Sunnah to eat before the 'Eid al-Fitr prayer as the Prophet ﷺ used to eat dates before going out to perform the prayer.[128] Allah says: **{He has certainly succeeded who purifies himself. And mentions the name of his Lord and prays.}**[129]

In the above *ayāt*, "*tazakkā*" precedes "*al-salāh*". The meaning of "*tazakkā*" in this ayah, according to some of the *mufassirīn,* refers to the prescribed alms given out on the day of 'Eid (*sadaqah al-fitr*). These *ayāt* prioritise the giving out of *sadaqah al-fitr* before the performance of the 'Eid prayer.

Eating before the 'Eid al-Fitr prayer is to make it known that one is not fasting on that day, lest people think he was fasting until the prayer was performed.

126 Reported by Ahmad (5/352, 353) from the narration of Buraydah ibn al-Hasīb.

127 Al-Kawthar: 2

128 Reported by al-Bukhārī (2/21) and Ahmad (3/126) from the narration of Anas ibn Mālik.

129 Al-A'lā: 14-15

متن وتكره في الجامع بلا عذر

It is disliked to perform the prayer at a *masjid* without an excuse.

"It is disliked to perform the prayer at a *masjid* without an excuse": If there is a valid excuse, like rain, cold weather or if there is no open ground available nearby, then the prayer can be performed at a *masjid*. The Prophet ﷺ prayed an 'Eid prayer at his *masjid* on a rainy day.[130]

If there are no excuses whatsoever, it is disliked to perform the prayer at the *masjid*. The objective is for the people to be seen and the outward display of the masses. This is the reason it is performed at an open ground which accentuates the display of this symbol of Islam.

متن ويُسن تَبْكيرُ مأموم إليها ماشياً بعد الصبح، وتأخرُ إمام إلى وقت الصلاة على أحسن هيئة؛ إلا المعتكفَ ففي ثياب اعتكافه

It is Sunnah for the *ma'mūm* to go to the prayer ground early. He walks there immediately after the *fajr* prayer. The *imām* however, delays his arrival. It is Sunnah to attend the prayer in the best outfit except for the one who had spent the night at the *masjid* in *i'tikāf*. He may wear that which he wore the night before.

"It is Sunnah for the *ma'mūm* to go to the prayer ground early": It is Sunnah for the *ma'mūm* to walk to the prayer ground to perform the 'Eid prayer immediately after *fajr* prayer. This is so that he can engage in the remembrance of Allah whilst waiting for the prayer to begin, so that he gains more reward. Furthermore, it is encouraged to compete in doing good. The *imām* delays his arrival until it is time for the prayer as was the practice of the Prophet ﷺ.[131]

"He walks there immediately after the *fajr* prayer": This is best, so that his footsteps are recorded and rewarded as is done for other prayers as well. It is *mustahabb* that a person walk to the *masjid* to perform the obligatory prayers,

130 Reported by Abu Dawūd (1160), Ibn Mājah (1313) from the narration of Abu Hurairah who said, "The people were drenched by rain on the day of 'Eid during the lifetime of the Prophet ﷺ and so he performed it at the *masjid*."

131 An authentic hadīth reported by al-Bukhārī (2/22, 149) and Muslim (3/20) from the narration of Abu Sa'īd al-Khudrī.

reaching there early as Allah informs us in the Qur'ān: **{Indeed, it is We who bring the dead to life and record what they have put forth and their traces.}**[132]

According to one *tafsīr* of this ayah, the word "traces" (*āthārahum*) mentioned in the *ayah* refers to the strides one takes whilst walking to the *masjid*. Another interpretation is that this refers to the good, pious deeds one leaves behind after his death. The ayah encompasses both interpretations.[133]

And there is no fault in driving a vehicle there if walking would bring difficulty, if the distance is too far or he is too old or sick to walk there. However, if he is strong and able to do so then it is better for him to walk to the open ground for the 'Eid prayer, even though he may be the Sultan or a person of high status. The Prophet ﷺ who is the best of creation and the leader of the Muslims walked to perform the 'Eid prayer.[134]

"It is Sunnah to attend the prayer in the best outfit": It is *mustahabb* that one wears the finest clothes he possesses to the prayer. He should wear the finest perfume he has and ensure he is clean, for the 'Eid prayer is a grand gathering which deserves some preparation on his part. The Prophet ﷺ used to adorn himself on the day of 'Eid, wearing a special outfit for the occasion.[135]

The *salaf* used to do likewise, wearing the best clothes they had on the day of 'Eid. This is one way of honouring the day and a means for spreading cheer and happiness.

One should not wear worn-out clothes or clothes that have a bad odour. If he is poor and is not able to afford fine clothes, then he should wear garments according to his means but should ensure that the clothes are clean and washed before he wears them. Indeed everyone is able to wear clean clothes, regardless if he is rich or poor.

---

132 Yasin: 12

133 See *al-Jāmi' li Ahkām al-Qur'ān* by al-Qurtubī (1/15).

134 Reported by Ibn Mājah (1295) from the narration of Ibn 'Umar with them based on the actions of the Prophet.

135 Reported by Ibn Khuzaymah in his *Sahīh* (1766) and al-Bayhaqī in *al-Sunan* (3/280) from the narration of Jābir ibn 'Abdullah who said, "The Prophet ﷺ had a robe that he used to wear only on the two days of 'Eid and on Fridays."

"Except for the one who had spent the night at the *masjid* in *i'tikāf.* He may wear that which he wore the night before": I.e. he leaves the *masjid* to join in with the 'Eid prayer wearing the clothes which he wore whilst performing *i'tikāf* in the *masjid*. Doing so prolongs the remnants of piety [of having performed *i'tikāf*].

متن ومن شَرْطِها: استيطانٌ، وعددُ الجمعة، لا إذنُ إمامٍ

Among its conditions are: Residency, having a congregation size similar to that of the Friday prayer. Seeking the permission of the *imām* is not a condition.

"Among its conditions are: Residency": Residency is from the conditions that make it *wājib* for one to attend the 'Eid prayer. This condition is similar to that of the Friday prayer. Hence, it is not *wājib* for a traveller to attend the prayer, nor for the desert dwellers who are not residents where the prayer takes place. During the lifetime of the Prophet ﷺ the desert dwellers used to live on the periphery of Madīnah. He ﷺ neither ordered them to attend the 'Eid prayers nor the Friday prayer. He himself did not perform these 'Eid and Friday prayers whilst he was on a journey. He ﷺ stood at 'Arafah on a Friday and did not perform the Friday prayers. Likewise on the day of 'Eid al-Adhā, he was at Mina and did not perform the 'Eid prayer. This is evidence to show that these prayers are not *wājib* for the traveller, the desert dweller who isn't a resident and whoever is in a similar situation. These prayers are *wājib* only upon those who are permanent residents of a place.

"Having a congregation size similar to that of the Friday prayer": This is a condition for the validity of the 'Eid prayer. The prayer becomes valid if there are at least three people who make up the congregation.[136]

"Seeking the permission of the *imām* is not a condition": As was mentioned in the Chapter of Friday Prayer, seeking the *imām's* permission is not a condition for the validity of these prayers. If all other conditions are met, the 'Eid prayer can be conducted even without consulting the *imām*.

متن ويُسَنُّ أن يَرْجعَ من طريقٍ أُخرى ويُصليها ركعتينِ قبل الخُطبة

136 See *al-Iktiyārāt al-Fiqhiyyah* (p. 79).

It is Sunnah to return via a different route. The two *rakāt* are performed before the sermon.

"It is Sunnah to return via a different route": It is *mustahabb* for those who have attended the 'Eid prayer to return home via a different route as was the practice of the Prophet ﷺ. It is said that the wisdom of this practice is that the places trodden will bear witness to the act of worship and the remembrance of Allah performed by the person on that day. It is also said that the Prophet practiced this as his people wanted to meet him and speak to him and they loved to see him ﷺ. Hence, the Prophet ﷺ walked to perform the 'Eid prayer on a route and returned home using another route so as to fulfil this need of his people.

"The two *rakāt* are performed before the sermon": The 'Eid prayer consists of two *rakāt* and this is the consensus.[137] The sermon is delivered after the prayer which is in contrast to the Friday prayer where the sermon is delivered before the prayer. This was the action of the Prophet ﷺ. This is because the sermon is a condition for the validity of the Friday prayer whereas it is a Sunnah for the 'Eid prayer. Hence it is delivered after the prayer.

It is an innovation to deliver the sermon before the 'Eid prayers. This innovation was practiced by some rulers during the Umayyad caliphate. They were strongly refuted as it contradicted the Sunnah of the Messenger ﷺ and the Sunnah of the rightly-guided caliphs. Ibn 'Umar narrates that the Prophet ﷺ delivered the sermon after the prayer as did Abu Bakr, 'Umar and 'Uthmān.[138]

متن

يكبِّر في الأولى -بعد الاستفتاح، وقَبْل التعوذِ والقراءةِ ستاً، وفي الثانية -قبل القراءة- خمساً. يرفع يديه مع كل تكبيرة

***Takbīr* is said six times in the first *rakāt*, after the *istiftāh*, before *ta'awwuthu* and the recitation. In the second *rakāt* it is said five times before the recitation. The hands are raised for each *takbīr*.**

"*Takbīr* is said six times in the first *rakāt* after *istiftāh* and before *ta'awwuthu*

137 See *al-Mughnī* (3/265).

138 Reported by al-Bukhārī (2/22, 23), Muslim (3/20), Ahmad (2/12, 38), al-Nasā'ī (3/183), al-Tirmidhī (531) and Ibn Mājah (1276) without mentioning 'Uthmān.

and the recitation. In the second *rakāt* it is said five times before the recitation": The *takbīr* is said during the prayer and the sermon as 'Eid is a day of glorification of Allah, Who mentions about 'Eid al-Fitr thus: **{For you to complete the period and to glorify Allah for that [to] which He has guided you; and perhaps you will be grateful.}**[139] And about 'Eid al-Adhā: **{And mention the name of Allah on known days over what He has provided for them of [sacrificial] animals.}**[140]

The glorification of Allah is expressed outwardly during the two days of 'Eid, especially in the two 'Eid prayers and in the sermon. After making the *takbīratul ihram* in the first *rakāt*, one makes an additional six *takbīr*. He makes a total of five *takbīr* in the second *rakāt*. It is also said that the first *rakāt* consists of seven *takbīr* and the second *rakāt* five *takbīr*. Both descriptions have been authentically reported from the Messenger ﷺ.[141] It is best that one method is performed sometimes and the other method at others. If only one method is utilised, then there is no harm in it.

"The hands are raised for each *takbīr*": As is done during the obligatory prayer and the funeral prayer. This was the practice of the pious predecessors. They raised their hands whilst saying the *takbīr* in the 'Eid prayer.

متن

ويقول: الله أكبر كبيراً، والحمد لله كثيراً، وسبحان الله بكرةً وأصيلاً، وصلَّى اللهُ على محمدٍ النبيِّ وآله وسلم تسليماً كثيراً، وإن أحبَّ قال غيرَ ذلك. ثم يقرأ جَهْراً بعد الفاتحة بـ(سَبِّح) في الأولى، وبـ(الغاشية) في الثانية

He says, "*Allahu akbar kabīran, wa alhamdulillahi kathīran, wa subhānallahi bukratan wa asīlan. Wa sallallahu 'alā muhammadin an nabiyya wa 'alā ālihi wa sallam taslīman kathīran.*" If he so desires, he may say something other than this. He then recites loudly Sūrah al-A'lā after al-Fātihah in the first *rakāt* and Sūrah al-Ghāshiyah in the second.

That is, to read this in between the *takbīrs*.

139 Al-Baqarah: 185

140 Al-Hajj: 28

141 The second description was reported by Ahmad (2/180), Abu Dawūd (1151, 1152), Ibn Mājah (1278) and al-Dāraqutnī (2/48) from the narration of 'Amr ibn Shu'aib from his father who narrated from his grandfather.

"He says, '*Allahu akbar kabīran, wa alhamdulillahi kathīran, wa subhānallahi bukratan wa asīlan. Wa sallallahu 'alā muhammadin an nabiyya wa 'alā ālihi wa sallam taslīman kathīran.*'": Saying, "*Subhānallah, wal hamdulillah, wa lā ilāha illallahu Allahu akbar,*" instead of the above is also good.

If he is silent and does not recite any *dhikr* in between the *takbīr*, there is no harm.

"He then recites loudly Sūrah al-A'lā after al-Fātihah in the first *rakāt* and Sūrah al-Ghāshiyah in the second": The recitation in the 'Eid prayers is done aloud just like in the Friday prayer. This was the practice of the Prophet ﷺ. The reason for this is that these prayers are attended by a great number of Muslims and when the *ayāt* are recited aloud, it serves as a reminder for them when they hear it.

The *imām* reads Sūrah al-A'lā in the first *rakāt* after Sūrah al-Fātihah. In the second *rakāt*, he recites Sūrah al-Ghāshiyah. It is also recommended to read Sūrah Qaf in the first *rakāt* and Sūrah al-Qamar in the second *rakāt*.

It is permissible for the *imām* to recite other *sūrahs* from the Qur'ān for Allah says: **{So recite what is easy [for you] of the Qur'ān.}**[142]

However, reciting Sūrah al-A'lā and al-Ghāshiyah is the Sunnah. In these *sūrahs*, Allah mentions resurrection and the events of the Day of Judgement. The gathering of Muslims on the day of 'Eid is like the gathering in the Hereafter (*al-hashr*) and reciting these *sūrahs* remind the Muslims of this inevitable gathering that will take place on the Day of Judgement.

متن فإذا سلَّم خطب خُطبتين كخُطبتي الجمعة، يستفتح الأولى بتسع تكبيرات، والثانية بسبع، يحثهم في الفطر على الصدقة، ويبين لهم ما يُخرجون، ويرغبُهم في الأضحى في الأضحية ، و يُبين لهم حكمها

He delivers the two sermons, similar to the Friday sermons, immediately after making *taslīm*, making nine *takbīr* in the opening of the first sermon and seven *takbīr* in the second. He urges them on al-Fitr to the giving of alms, elaborating on its rulings. He enjoins in al-Adhā the sacrificial slaughter,

142 Al-Muzammil: 20

detailing its rulings.

"He delivers the two sermons, similar to the Friday sermons, immediately after making *taslīm*, making nine *takbīr* in the opening of the first sermon and seven *takbīr* in the second": He makes nine *takbīr* in the first sermon because 'Eid is a day of glorification of Allah. The Muslims are encouraged to say the *takbīr* along with the *imām*. The second sermon consists of seven *takbīrs*. The *takbīr* is done before the sermon is commenced with the "*Alhamdulillāh*".

If an *imām* commences the sermons with "*Alhamdulillāh*" without saying the *takbīr*, there is no harm in it. However, it is better precede with the *takbīrs*.

"He urges them on al-Fitr to the giving of alms, elaborating on its rulings": The topic of the sermon on the day of 'Eid al-Fitr is about alms-giving. He elaborates on its rulings, the different types of alms that can be given, its limits, to whom it should be given and the time to give it. Not centring the sermon on this topic contradicts the guidance of the Prophet ﷺ.

"He enjoins in al-Adhā the sacrificial slaughter, detailing its rulings": Similarly, on 'Eid al-Adhā the *imām* delivers a sermon that elaborates upon the rulings pertaining to sacrificial slaughter, adding that it was the Sunnah of Prophet Ibrahim ﷺ and the Sunnah of Prophet Muhammad ﷺ. Hence it should not be abandoned. The *imām* explains the types of animals that can be offered for the sacrifice, clarifying the bodily defects the animals must be free from. He informs the listener how to distribute the sacrificial meat.

It is a contradiction to the Sunnah if one makes the sermon topic totally unrelated to the 'Eid. The *imām* mentions in his sermon that haughtiness in dressing should be avoided. He reminds the congregation to lower their gaze for the day of 'Eid is a day of adornment and glitter, when the finest clothing is worn.

He encourages the listeners to give alms, to be kind to the poor and the needy for among the congregation there are bound to be those who are less fortunate.

The *imām* warns them to avoid amusement and play, reminding them that the day of 'Eid is a day of eating, drinking and remembrance of Allah. That is, after having spent time in worship and obedience to the Creator, they should never

engage themselves in transgression and sin, which is the way of the ignorant and rebellious. They make the day of 'Eid a day of merry-making, cheer and perversion. There is even inter-mingling and promiscuity between men and women. This is an act of ingratitude of the blessings endowed upon them and a desecration of the sanctity of signs of Allah.

Indeed there can be fun-filled activities which have no sinful elements in them. An example would be to practice sword fighting and combat training like the Abyssinians who practiced with their spears within the compound of Masjid al-Nabawī. However, spending the day of 'Eid in amusement and play, by hiring musicians to play music, inter-mingling of sexes and neglecting prayers is forbidden.

These are means by which the signs of Allah are desecrated. This is a good example of one following up a good deed with an evil deed. *Wa lā hawla wa lā qūwata ilā billāh.*

متن

والتكبيراتُ الزوائدُ والذكرُ بينها والخُطبتان سُنَّة

The additional *takbīrs*, the *dhikr* in between the *takbīrs* and both sermons are Sunnah.

"The additional *takbīrs*, the *dhikr* in between the *takbīrs*": The additional *takbīrat*[143] in the beginning of the two *rakāt* of the 'Eid prayers and at the start of the two sermons are Sunnah. If one does not say it, the prayer is still valid as is the sermon. Similarly, the *dhikr* mentioned in between the *takbīrat* is Sunnah. There is no harm in not saying it.

"And both sermons are Sunnah": The two sermons of the 'Eid prayers are also Sunnah, in contrast to the two sermons of the Friday prayer. The 'Eid prayers are valid without the sermons. However, to deliver the sermons is much better for the occasion is one where Muslims gather and they are in need of advice and reminder. They can also be advised on the obligations that are upon them. The congregation of such large numbers is an opportunity for *da'wah* and inviting to the path of Allah and His remembrance.

Hence, it is inappropriate for the *imām* to abandon the sermons of the 'Eid

143 Plural of *takbīr*.

prayers though they may not be *wājib*. The Prophet ﷺ said when he concluded the prayer, "We shall deliver the sermon. Whosoever wants to sit [to listen to the sermon] do remain seated. Those who want to leave may do so."[144] If the sermons were *wājib*, leaving before listening to the sermons would not have been permitted.

متن ويُكره التنفلُ قبل الصلاة وبعدها في موضعها

Performing *nafl* prayers before and after the 'Eid prayer is disliked at the open ground.

"Performing *nafl* prayers before and after the 'Eid prayer is disliked at the open ground": One should immediately sit upon reaching the prayer area. This is if it is performed at an open ground.

One should not pray after the 'Eid prayer if it is held at a *masjid* lest the people come to believe that this is part of the 'Eid prayer. The Prophet ﷺ went out to the open ground and prayed two *rakāt* of 'Eid prayer. He did not perform *nafl* prayer before or after it[145] and his is the best example ﷺ.

If one prays the 'Eid prayers at the *masjid*, the scholars have differing views pertaining to whether he should offer the *tahiyat al-masjid* prayer (prayer to honour the *masjid*) when he enters it or if he should just sit down.[146] Some of them state that he should sit down straight away while others say that he should perform *tahiyat al-masjid* prayer before sitting down. Both are permissible, so one should not refute he who sits down upon entering the *masjid* and neither should one refute he who prays two *rakāt* of *tahiyat al-masjid* before sitting down.

متن ويسنُّ لمنْ فاتَتْه أو بعضَها قضاؤُها على صِفتها، ويسنُّ التكبيرُ المطلقُ في ليلتي العيدين، وفي فِطرٍ آكد، وفي كل عشر ذي الحجة

It is Sunnah for he who misses the 'Eid prayer or part of it to make it up according to its attributes. It is Sunnah to make *takbīr al-mutlaq* the night

144 Reported by al-Nasā'ī (3/185) from the narration of 'Abdullah ibn al-Sā'ib.

145 Reported by al-Bukhārī (2/23), Muslim (3/21) from the narration of 'Abdullah ibn 'Abbās.

146 See *al-Insāf* (2/432) and *Muntahā al-Irādāt* (1/369).

before the two days of 'Eid. The *takbīr* is more specified for 'Eid al-Fitr. On 'Eid al-Adhā, it is said throughout the first ten days of Dhul Hijjah.

"It is a Sunnah for he who misses the 'Eid prayer or part of it to make it up according to its attributes": He does so as an individual or performs it in congregation. He must remember to include the additional *takbīrat* and the *dhikr* in between the *takbīrat*. He recites aloud in the prayer just like the 'Eid prayer he missed. This is because the prayer that is made up must resemble the prayer that was missed. Similarly, if one misses part of the 'Eid prayer, he prays with the *imām* what is left of the prayer and then stands up after the *imām's taslīm* to complete whatever he missed. He does this according to how the 'Eid prayer is performed.

"It is Sunnah to make *takbīr al-mutlaq* the night before the two days of 'Eid": For 'Eid al-Fitr, the timing for *takbīr al-mutlaq* (general *takbīr*) starts from when the crescent moon is sighted up until the *imām* starts delivering his sermon. The *takbīr* is said in the *masjids*, along the streets, the houses, at the shops and at the workplaces. The *takbīr* is made pervasive and it is repeated often. The meaning of *mutlaq* is something that is done without a specific timing or place.

"The *takbīr* is more specified for 'Eid al-Fitr": As compared to 'Eid al-Adhā. Allah says about al-Fitr: **{And [wants] for you to complete the period and to glorify Allah for that [to] which He has guided you.}**[147] This is at the completion of Ramadān.

"On 'Eid al-Adhā, it is said throughout the first ten days of Dhul Hijjah": *Takbīr mutlaq* is performed from the first day of Dhul Hijjah until *fajr* prayer of Yawm al-'Arafah, which is the ninth of Dhul Hijjah. This is for those who are not performing Hajj. They start to say the specific *takbīr* from the *fajr* prayer onwards.

As for those who are performing Hajj, they only start saying the specific *takbīr* after the *zuhr* prayer on the tenth of Dhul Hijjah or what is known as Yawm al-Nahr (Day of Sacrifice). This is due to the fact that they would be engaged in saying the *talbiyah* until that time.

147 Al-Baqarah: 185

The *takbīr* on the night before 'Eid al-Fitr is more specific than the *takbīr* on the night before 'Eid al-Adhā as defined by Allah in the ayah: **{And [wants] for you to complete the period and to glorify Allah for that [to] which He has guided you.}**[148]

The first ten days of Dhul Hijjah are very significant days. Allah makes a vow upon these days in the Qur'ān. He says: **{I swear by the daybreak. And the ten nights.}**[149] These are the first ten nights of Dhul Hijjah. The very fact that Allah makes a vow upon these days shows their significance for He does not make a vow upon a thing except that it is highly important. Hence we conclude that these ten days are very important.

In a hadīth, the Prophet ﷺ said, "There are no days in which deeds are better and dearer to Allah than these ten days." The Companions asked, "O Messenger of Allah, even better than *jihād* in the path of Allah?" He ﷺ replied, "Even better than *jihād* in the path of Allah, except for one who went out [for *jihād*] with his soul and money but returned with neither."[150]

It is *mustahabb* to draw closer to Allah by doing pious deeds in these blessed ten days. Likewise, it is *mustahabb* to fast these days and repeat the *takbīr* often on these ten days and nights. The Companions used to make the *takbīr* on these ten days.[151] This is considered from the pious deeds. Fasting, performing prayers, saying the *takbīr*, giving alms and other such activities are from the pious deeds.

متن **والْمُقَيَّدِ عَقِبَ كلِّ فريضة في جماعة، من صلاة الفجر يوم عرفة، وللمحرم من صلاة الظهر يوم النحر إلى عصر آخر أيام التشريق**

The specific *takbīr* is said at the end of every obligatory prayer in congregation, starting from *fajr* prayer on the day of 'Arafah and for those performing Hajj it starts from *zuhr* prayer on Yawm al-Nahr until '*asr* prayer of the

148 Al-Baqarah: 185

149 Al-Fajr: 1-2

150 Reported by al-Bukhārī (2/24), Ahmad (1/224, 338), Abu Dawūd (2438), al-Tirmidhī (757) and Ibn Mājah (1727) from the narration of Ibn 'Abbās.

151 Added as an appendix by Imām al-Bukhārī in his *Sahīh* (2/24) from the deeds of Ibn 'Umar and Abu Hurairah. They used to go out to the market on the ten days of Dhul Hijjah and say the *takbīr* and the people used to make the *takbīr* along with them.

last day of the days of *tashrīq*.

"The specific *takbīr* is said at the end of every obligatory prayer in congregation": If one prays individually, then saying the *takbīr* after the prayer is not legislated for him. As soon as the *taslīm* is made, the *imām* and the *ma'mūm* say the *takbīr* in unison. It is called *al-takbīr al-muqayyid* (specific *takbīr*) because a time is specified, in this case after every obligatory prayer performed in a congregation. *Nafl* prayers are excluded. There is no *takbīr* after *nafl* prayers as there is no evidence of such a practice from the predecessors. However, there is proof for it being said after obligatory prayers.[152]

"Starting from *fajr* prayer on the day of 'Arafah": That is, the non-pilgrims make *al-takbīr al-muqayyid* beginning from the *fajr* prayer on the day of 'Arafah, on the ninth of Dhul Hijjah until *'asr* prayer on the thirteenth of Dhul Hijjah.

"And for those performing Hajj it starts from *zuhr* prayer on Yawm al-Nahr until *'asr* prayer of the last day of the days of *tashrīq*": The pilgrims however only begin saying *al-takbīr al-muqayyid* after *zuhr* prayer on Yawm al-Nahr which is the tenth of Dhul Hijjah. They continue saying the *takbīr* until *'asr* prayer on the third day of *tashrīq*, which is the thirteenth of Dhul Hijjah. The delay in them saying the *takbīr* is due to them being engaged in *talbiyah*.

متن وإن نسيه قضاه ما لم يُحْدِثْ أو يَخرجْ من المسجد، ولا يسنُّ عقب صلاة عيدٍ، وصفتُه شفعاً: الله أكبر الله أكبر لا إله إلا الله والله أكبر، الله أكبر ولله الحمد

If one forgets the *takbīr*, then he should make it up as long as he has not spoken or left the *masjid*. It is not a Sunnah to say the *takbīr* after the 'Eid prayer. The *takbīr* comes in pairs, '*Allahu akbar allahu akbar lā ilāha illallahu, wallahu akbar allahu akbar wa lillahil hamd*.'

"If one forgets the *takbīr*, then he should make it up as long as he has not spoken or left the *masjid*": He who prays in a congregation, be it the *imām* or follower, but forgets to say the *takbīr al-muqayyid* after the prayer, he should

152 Reported by al-Dāraqutnī (2/49) and al-Bayhaqī (3/315) from the narration of Jābir who said, "The Prophet ﷺ used to say the *takbīr* on the day of 'Arafah from the *fajr* prayer. He ceased doing so after the *'asr* prayer on the last day of the days of *tashrīq*." Bayhaqī classified this hadīth as weak.

say it if he remembers it soon afterwards. If there is a big time gap then its time has lapsed. It cannot also be said if he nullifies his ablution. Hence, he may make it up if two conditions are met:

One: If the time gap is not too long.

Two: If his ablution is still valid.

"It is not a Sunnah to say the *takbīr* after the 'Eid prayer": Even though 'Eid prayers are a communal obligation, there is no *takbīr* after its conclusion. This is because there is no evidence to prove that this was practiced.

"The *takbīr* comes in pairs": As follows, "*Allahu akbar allahu akbar lā ilāha il-lallahu, wallahu akbar allahu akbar wa lillahil hamd.*" This was the *takbīr* of the Prophet ﷺ.[153]

153 Reported by al-Dāraqutnī (2/50) from the narration of Jābir ibn 'Abdullah.

باب صلاة الكسوف
CHAPTER: PRAYER OF THE SOLAR ECLIPSE

"Chapter: Prayer of the Solar Eclipse": The prayer for the solar eclipse (*salāt al-kusūf*) is a Sunnah *mu'akkadah*. Some scholars consider it *wājib* as it was a command of the Prophet ﷺ.[154]

Al-kusūf (with the letter *k̲af*) and *al-khusūf* (with the letter *k̲h̲a*) are used to describe the solar and lunar eclipse. The terms can be used to describe both the solar and lunar eclipse though some claim that *al-khusūf* is only used to describe the solar eclipse and *al-kusūf* is only used to describe the lunar eclipse. The former opinion, that they are interchangeable, is correct.[155]

In an eclipse, the brightness disappears from the sun and moon. Allah created them both so as to facilitate His servants. He made the moon reflect light while the sun was made as a burning lamp. Their brightness is very significant to mankind. If the brightness of both the sun and the moon disappears forever, mankind will feel its adverse effects and one fears that a great calamity shall ensue.

Both the solar and lunar eclipses are caused by a reason well-known to astronomers. The solar eclipse occurs when the moon's orbit brings it to the same position as the sun. The moon is below the sun at that point and the sun's rays are blocked from reaching the earth. It occurs only at the end of month, name-

---

154 Reported by al-Bukhārī (2/42-43) and Muslim (3/27) from the narration of 'Aishah who heard the Prophet ﷺ say, "The sun and the moon are two signs of Allah. They are not eclipsed on account of anyone's death or on account of anyone's birth. So when you see that, declare His greatness, supplicate to Allah, perform prayer, and give alms."

155 See *al-Mutla'* (p. 109) and *al-Dar al-Naqī* (1/383) and *al-Misbah al-Munīr* (pp. 231, 732).

ly the twenty ninth and thirtieth days. This is when the moon's orbit crosses paths with the sun, coming in between it and the earth.

As for the lunar eclipse, it occurs when the reverse happens. That is, the earth's orbit brings it between the sun and the moon. The sun's rays are blocked from reaching the moon. This occurs only on the fourteenth or fifteenth night of the month known in Arabic as "*laylat al-abdār.*" When the sun and the earth cross paths, the earth's shadow falls on the moon and that is when a full lunar eclipse is observed. There are partial lunar eclipses on occasion. Astronomers can calculate when the eclipse will occur and so they make it known to the general public before it occurs.

Though it may be calculated and notified in advance, there is no doubt that it is a harbinger for a calamity or that harm is to befall the inhabitants of the earth. The change in brightness may trigger an adverse effect. Hence, a true believer receives it with much anxiety and fear. The Prophet ﷺ said, "The sun and the moon are two signs of Allah. Allah put fear into His servants by it. So if you see either eclipse, perform the prayer and invoke until what may befall you is removed."[156]

When a solar eclipse occurred during the lifetime of the Prophet ﷺ he left his house in fear, taking long strides that were straining his lower garment.[157] There is a worry that the final hour is nigh and that mankind shall be afflicted with a calamity or punishment during an eclipse. The Muslims invoked Allah to remove that which is hindering the light.

The prayer for solar eclipse is an emphasised Sunnah (Sunnah *mu'akkadah*) which was performed by the Prophet ﷺ.[158] He ordered the Muslims to perform likewise and the Muslims have made this their practice ever since. Some scholars derive the injunction to perform this prayer from the following Qur'ānic ayah: **{And of His signs are the night and day and the sun and moon. Do not prostrate to the sun or to the moon, but prostate to Allah,**

156 Reported by al-Bukhārī (2/42, 44), Ahmad (5/37) and al-Nasā'ī (3/124, 126) from the narration of Abu Bakrah.

157 This is an established command of the Prophet ﷺ as mentioned in the hadīth narrated by Abu Bakrah (ibid).

158 Reported by al-Bukhārī (2/45) and Muslim (3/34) from the narration of 'Abdullah ibn 'Abbās. Many other narrations support this.

who created them, if it should be Him that you worship.}[159] The scholars said, "The meaning of prostration is the prayer of solar eclipse." It is a fact that this prayer is a well established Sunnah, which was clearly evident from the sayings and actions of the Prophet ﷺ. It is a Sunnah *mu'akkadah.*

متن **تسنُّ جماعةً وفرادَى إذا كسف أحدُ النيِّرين، ركعتين يقرأ في الأولى جهراً بعد الفاتحة سورةً طويلةً، ثم يركعُ طويلاً، ثم يرفعُ ويُسَمِّع ويحمِّدُ، ثم يقرأ الفاتحةَ وسورةً طويلةً دون الأولى، ثم يركعُ فيطيلُ وهو دون الأوَّلِ، ثم يرفعُ ثم يسجدُ سجدتين طويلتين، ثم يصلي الثانية كالأولى لكن دونها في كل ما يفعلُ، ثم يتشهدُ ويُسلِّم**

It is Sunnah to perform the eclipse prayer in a congregation or individually when either eclipse occurs. It consists of two *rakāt* and in the first *rakāt* the *imām* recites aloud a long *sūrah* after al-Fātihah. Then he makes *ruku'* and prolongs it. He returns to the standing position saying *tasmī'* and *tahmīd* and begins reciting al-Fātihah followed by another long *sūrah*, shorter than the first. He makes *ruku'* again prolonging it but not as long as the first *ruku'*. He returns to the standing position and then makes *sujūd* twice prolonging them both. He proceeds to perform the second *rakāt* similarly. However, he performs it quicker than the first *rakāt*. After reading the *tashahud*, he concludes the prayer with the *taslīm*.

"It is Sunnah to perform the eclipse prayer in a congregation or individually": It is better to perform it in congregation as was the practice of the Prophet ﷺ. He went out to offer the prayer with his Companions in the *masjid*. Hence, it is Sunnah to pray in congregation. It is better to perform it in the *masjid* as well. However, it is permissible to perform it individually based on the general statement of the Prophet ﷺ, "So if you see either eclipse, perform the prayer and invoke."

"When either eclipse occurs": When the brightness of the sun or the moon disappears.

"It consists of two *rakāt*": It is a consensus that the eclipse prayer consists of two *rakāt*. The *ruku'*, standing after *ruku'* and *sujūd* are done twice in each *rakāt*.

"In the first *rakāt* the *imām* recites aloud": It is *mustahabb* to recite aloud in

159 Fussilat: 37

the eclipse prayer, even if it is performed in the afternoon. Reciting the *ayāt* aloud allows the *ma'mūm* to listen to it. In fact, one recites it aloud even when he is performing the prayer individually as the Prophet ﷺ used to recite aloud.[160]

"A long *sūrah*": The *sūrah* is unspecified, so one may read any *sūrah* that is long. It is said in the hadīth narrated by 'Aisha, "Similar to Sūrah al-Baqarāh."[161] This is so that the *imām* can prolong the standing.

"Then he makes *ruku'* and prolongs it": Making it similar in length to the standing.

"He returns to the standing position saying *tasmī'* and *tahmīd*": Saying, "*Sami' allahu liman hamidah*" and then, "*Rabbanā wa laka al-hamd...*"

"And begins reciting al-Fātihah followed by another long *sūrah*, shorter than the first": The *imām* reads a shorter *sūrah* than the first.

"He makes *ruku'* again prolonging it but not as long as the first *ruku'*": This *ruku'* is much quicker when compared to the first.

"He returns to the standing position": Saying, "*Sami' allahu liman hamidah*" and then, "*Rabbanā wa laka al-hamd.*"

"And then makes *sujūd* twice prolonging them both": Prolonging them as long as the *ruku'*.

"He proceeds to perform the second *rakāt* similarly. However, he performs it quicker than the first *rakāt*. After reading the *tashahud*, he concludes the prayer with the *taslīm*": He performs the second *rakāt* and concludes the prayer with the *tashahud* followed by the *taslīm*.

Hence, the eclipse prayer is of two *rakāt* that consist of four *ruku'* and *sujūd*. Each *rakāt* consists of two *ruku'* and *sujūd*. This is the established method of performing the prayer for the solar eclipse.[162]

160 Reported by al-Bukhārī (1/49) and Muslim (3/29) from the narration of 'Aishah.

161 Reported by al-Bukhārī (2/42-43) and Muslim (3/27).

162 See *al-Mughnī* (3/323).

It was mentioned, "There are three *ruku'* in every *rakāt*. So, the total for the prayer is six *ruku'*."[163]

It was also mentioned, "There are four *ruku'* in every *rakāt*. So, the total for the prayer is eight *ruku'*."[164] Another view is that there are five *ruku'* in each *rakāt*, which makes it a total of ten *ruku'* for the prayer.[165]

These methods have all been reported[166] but the most established and preferred is the first method, i.e. that it consists of two *rakāt* and in each *rakāt* there are two *ruku'* and *sujūd*. Hence the total for the prayer is four *ruku'* and *sujūd*. This was the way the Prophet ﷺ performed the prayer and he did so once as he witnessed only a single eclipse during his lifetime and it was a solar eclipse.

This proves that the Messenger ﷺ had chosen to pray one of these methods for surely he could not have prayed the eclipse prayer repeatedly. It is said that these variances were performed by him ﷺ. However this assumption is baseless and not possible as he only performed this prayer once. So we must choose one of them and the most preferred is the first method. The four *imāms* preferred this method too. The other methods are considered weak and are not preferred.

The condition (*qā'idah*) held by the scholars of hadīth is:

If there are *ahadīth* that contradict each other, then they will focus on the chain of narrators, preferring that which is most authentic in comparison to the others. If two chains of narrators are equally authentic, then an attempt will be made to reconcile the contents of the two *ahadīth* if it is possible. If not,

163 Reported by Muslim (3/31) from the narration of Jābir ibn 'Abdullah who said, "There was an eclipse of the sun during the life of the Messenger of Allah ﷺ on the day his son had passed away. The people began to say that there was an eclipse on account of the death of Ibrāhīm. The Prophet ﷺ stood up and led the people in prayer performing six bows and four prostrations."

164 Reported by Muslim (3/34) from the narration of Ibn 'Abbās who said, "The Messenger of Allah prayed eight *ruku'* with four *sujūd* during a solar eclipse."

165 Reported by Ahmad (5/134), Abu Dawūd (1182) from the narration of Ubay ibn K'ab who said: An eclipse of the sun took place during the time of the Messenger of Allah ﷺ The Prophet ﷺ led them in prayer. He recited one of the long *sūrahs*, bowing five times and prostrating himself twice. He then stood up for the second *rakāt*, recited one of the long *sūrahs*, bowed five times, prostrated himself twice, then sat where he was facing the *qiblah* and made the supplication untill the eclipse was over."

166 See *al-Mughnī* (3/329).

one hadīth will be identified as the more preferred of the two.

متن

فإن تجلَّى الكسوفُ فيها أتمَّها خفيفةً

When the eclipse emerges, the prayer is expedited.

The time for the solar eclipse is when the sky darkens until when the eclipse ceases. Conducting the eclipse prayer based solely on the information given by astronomers is not permitted, even if the information given by them is precise to the minute of the occurrence of the eclipse. This is because the Prophet ﷺ associated the prayer with the visual presence of an eclipse.[167] In the event that it is noticed, the prayer is offered. If not, then no action is taken.

"When the eclipse emerges, the prayer is expedited": That is, the prayer is hastened as the timing for the eclipse shall lapse along with it. However, the prayer should not be abruptly aborted even as the sky clears.

Inversely, if the prayer is concluded before the end of the eclipse, the prayer should not be repeated. The Muslims should engage in invocation and seeking forgiveness from Allah.

متن

وإن غابت الشمسُ كاسفةً أو طلعتْ والقمرُ خاسفٌ، أو كانت آيةً غيرَ الزَّلْزَلةِ لم يُصلِّ

If the sun sets during a solar eclipse, it rises when there is a lunar eclipse or when a natural disaster other than an earthquake occurs, no prayer is performed.

"If the sun sets during a solar eclipse": No prayer is offered as there is no benefit to doing so.

"It rises when there is a lunar eclipse": If there is sunrise while a lunar eclipse is occurring, no prayer is offered for the lunar eclipse as the moon has lost its importance with the rising of the sun. The moon benefits us only in the night. The protagonist of the day is the sun.

"Or when a natural disaster other than an earthquake occurs": If an earth-

167 Reported by al-Bukhārī (2/42) and Muslim (3/28) from the narration of 'Aishah.

quake occurs, the earth shakes which strikes fear in the hearts of men, there is a high level of destruction and high death tolls. In this scenario, it is Sunnah to perform a prayer for the occurrence of the earthquake as was done by the Companions.[168] Allah is invoked during this calamity until this natural disaster ceases.

No prayer is legislated for natural disasters other than an earthquake, like a frightful thunder storm and severe sand storm. Offering a prayer during these occurrences has not been recorded by the pious predecessors. It has been recorded that some Companions prayed during an earthquake. There is no evidence that they prayed for any other natural disaster apart from an earthquake.

However, it is legislated that the Muslims invoke Allah during a thunder storm, sand storm or any disaster or sign that is frightening. One invokes Allah to remove the calamity from the Muslims.

متن وإن أتى في كل ركعة بثلاث ركوعاتٍ أو أربعٍ أو خمس جاز

It is permissible for one to perform three, four or five *ruku'* in each *rakāt*.

"It is permissible for one to perform three, four or five *ruku'* in each *rakāt*": That is, a total of six, eight or ten *ruku'* for the eclipse prayer. This is permissible as there are *ahadīth* that prove its permissibility.[169]

However, the narration that we mentioned earlier is preferred though other narrations are not to be refuted. It is also permissible to perform the eclipse prayer like any ordinary *nafl* prayer with just one *ruku'* in each *rakāt*.

168 Reported by 'Abdul Razzāq (4929) from the narration of Ibn 'Abbās and al-Bayhaqī (3/343) from the narration of 'Alī.

169 Mentioned previously.

باب صلاة الاستسقاء
CHAPTER: PRAYER FOR RAIN

متن

إذا أجدبت الأرضُ وقَحَطَ المطرُ

When the ground is dry and there is a drought.

"Chapter: prayer for rain": *Al-istisqā'* is an Arabic word that refers to asking for water and seeking rain.[170]

The rain prayer is performed when:

"When the land is dry": This is when the land is without vegetation, grass or pasture.

"And there is a drought": There has been no rainfall for a long period of time.

Given this situation, the rain prayer is performed to seek from Allah that He quenches the earth with water. *Al-istisqa'* is an old Sunnah which was practiced by the Prophets. Mūsa ﷺ sought water from Allah: **{And [recall] when Mūsa prayed for water for his people, so We said, "Strike with your staff the stone."}**[171]

Similarly, Sulaymān ﷺ sought rain for his people and our Prophet Muhammad ﷺ also did so. *Al-istisqā'* is an old Sunnah practiced by many prophets. Seeking rain brings about humility towards Allah and submission to Him.

170 See *al-Mutla'* (p. 110) and *al-Dār al-Naqī* (1/286).

171 Al-Baqarah: 60

One asks for Allah's forgiveness when seeking rain.

Rain is held back due to the sins of the slaves as explained in the hadīth, "A nation that refuses to pay mandatory tithe on their wealth shall be deprived of raindrops from the sky."[172] One of the reasons for the scarcity of rain is due to the people: **{And [Allah revealed] that if they had remained straight on the way, We would have given them abundant provision. So We might test them therein. And whoever turns away from the remembrance of his Lord He will put into arduous punishment.}**[173] When men transgress the commandments of their Creator, especially withholding of *zakāt*, verily, Allah shall punish them. There can be rainfall but the earth will not sprout vegetation. Allah says: **{How We poured down water in torrents. Then We broke open the earth, splitting [it with sprouts]. And caused to grow within it grain, and grapes and herbage, and olive and palm trees, and gardens of dense shrubbery, and fruit and grass, [As] enjoyment for you and your grazing livestock.}**[174] When the rain is held back, the earth stops growing vegetation.

متن صلُّوها جماعةً وفُرادَى، وصفتُها في موضعها وأحكامها كعيد

It can be prayed in congregation or individually. In terms of location and rules, it is like the 'Eid prayer.

The Messenger of Allah ﷺ performed *al-istisqā'*, as mentioned by Ibn al-Qayyim,[175] in three different ways:

1. He ﷺ went out with the people and prayed with them. He delivered the sermon and supplicated for rain afterwards. This is the most established way to offer the prayer.
2. He ﷺ supplicated for rain during the sermon of the Friday prayer. The people replied to it by saying "*amīn*".
3. He ﷺ supplicated for rain, neither in a prayer nor during a Friday sermon.

172 Reported by Ibn Mājah (4019) and al-Tabarānī in *al-Kabīr* (12/446). Both *ahadīth* were narrated by Ibn 'Umar.

173 Al-Jinn: 16-17

174 'Abasa: 25-32

175 *Zād al-Ma'ād* (1/456-458).

"It can be prayed in congregation or individually": It is best prayed in congregation as was the example set by the Prophet ﷺ and it is the best way to ensure that Allah answers the supplication.

Residency is not a condition for this prayer. The traveller may perform the rain prayer.

"In terms of location": Like the 'Eid prayer, the rain prayer is performed in an open ground. It is also similar to the 'Eid prayer in terms of its rulings. The rain prayer consists of two *rakāt* with additional *takbīrs*. The recitation is recited aloud in the prayer and *takbīr* is said in the beginning of each *rakāt*.

"Like the 'Eid prayer": There is no *nafl* prayer before or after the rain prayer at the open ground just like the 'Eid prayer.

متن

وإذا أراد الإمامُ الخروجَ لها وعظَ الناسَ وأمرَهُم بالتوبة من المعاصي والخروج من المظالم وتَرْكِ التَّشَاحنِ، والصيام والصدقة، ويَعِدُهم يوماً يَخْرجون فيه، ويَتنظَّف ولا يَتطيَّب، ويخرج متواضعاً متخشِّعاً متذلِّلاً متضرِّعاً، ومعه أهلُ الدِّين والصلاح والشيوخ والصبيان المميِّزون

When the *imām* decides to perform the prayer, he warns and orders them to seek Allah's forgiveness for their sins, to avoid injustice and enmity. He orders them to observe their fasts and give charity. A day is set for the prayer for them to go out to the ground. They cleanse themselves but do not apply perfume. They go out to the ground in a humble manner, afraid and in meekness. There will gather therein the people of *dīn*, the righteous, the old and the young who have reached a discerning age.

"When the *imām* decides to perform the prayer, he warns and orders them to seek Allah's forgiveness for their sins, to avoid injustice and enmity. He orders them to observe their fasts and give charity": Before going out to perform *al-istisqa'*, it is *mustahabb* that the *imām* or the leader of the Muslims order the people to seek repentance for their sins, give charity and help the needy. These acts facilitate rainfall and ensure that the supplications are answered. Hence, the *imām* orders the people to do so verbally or through a written text. This text is then circulated among the people and it is also read out in the *masjids* in the days leading up to the performance of the rain prayer. These actions are

mustahabb for they are beneficial in the build up of the actual prayer.

These actions mentioned above are a means to an end, this being the acceptance of the supplication for rain. For example, the invocation of a fasting person is readily answered. Returning properties to their rightful owners also facilitates the acceptance of supplications.

"A day is set for the prayer for them to go out to the ground": A day is fixed for the rain prayer so that people know when to go out to the open ground for the prayer.

"They cleanse themselves but do not apply perfume": They leave to the prayer in a physically pure state as this is *mustahabb* wherever people congregate. All bad odour should be removed but they should not apply perfume like how they would for the 'Eid prayer. Furthermore, they should not wear their finest clothes as one would wear to the 'Eid prayer. People should congregate for the rain prayer in total humility and meekness towards Allah. They go out to the prayer wearing ordinary clothes.

"They go out to the ground in a humble manner, afraid and in meekness": As exemplified by the Prophet ﷺ. He went out to the ground in a humble manner and in submission to Allah ﷻ. He did not go there wearing his finest clothes.[176]

This was the way the Messenger of Allah, the best of mankind ﷺ, prepared for *al-istisqa'*. He went to the prayer ground in a simple way and highlighted the plight of the poor and needy.

"There will gather therein the people of *dīn*, the righteous": When these people are among the congregation, there is a better chance that the supplications will be answered. For this reason, 'Umar ﷺ requested 'Abbās, due to him being the Prophet's uncle, to supplicate to Allah on their behalf while they responded with "*amīn.*" This is called *tawassul*, a petition through a righteous person to answer the supplication. *Tawassul* through the supplication of a righteous person is legislated in Islam.

'Umar ﷺ said, "O Allah! We used to make *tawassul* to You through our proph-

176 Reported by Ahmad (1/230, 269, 355), al-Tirmidhī (558, 559) and al-Nasā'ī (3/156) from the narration of 'Abdullah ibn 'Abbās.

et and You gave us rain."[177]

That is, the Companions used to ask the Prophet ﷺ to invoke Allah on their behalf during his lifetime. After his death, they made the same request through his uncle.

"The old": The elderly. Their supplications are better accepted by Allah.

"And the young who have reached a discerning age": These children do not have sins and so their supplications are more apt to be accepted once they reach the age of discernment (*mumayiz*).

متن وإن خرج أهلُ الذِّمَّةِ منفردين عن المسلمين لا بيوم لم يُمنعوا

The *dhimmis* should not be forbidden from going out to another place on the same day as the Muslims.

"The *dhimmis* should not be forbidden from going out to another place on the same day as the Muslims": The *dhimmis* are the Jews and Christians living amongst the population in a Muslim land who pay the *jiziyah*. They do not go out to the prayer ground with the Muslims.

However, if they decide to go out to another location, then they should not be stopped from doing so. This is because they have a need for rain as well. Allah provides sustenance to all his creations, the disbelievers and the Muslims. The disbelievers may engage in supplication for rain but they should not be at the location where the Muslims gather for the rain prayer.

The disbelievers are not designated a specific date to go out to the ground to pray for rain. Rather, they should go out on the same day as the Muslims but to another location. This is so that people will not assume that the rain came about because of the disbelievers' invocation if it rains on that day. This will only bring trials and chaos. This will be avoided if both the Muslims and the disbelievers go out to supplicate for the rain on the same day.

متن فيصلي بهم، ثم يخطبُ واحدةً يفتتحها بالتكبير كخُطبة العيد ويُكثر فيها الاستغفارَ

177 Reported by al-Bukhārī (2/24), (5/25).

وقراءةَ الآياتِ التي فيها الأمرُ به، ويرفع يديه فيدعو بدعاء النَّبي ﷺ

Then the *imām* prays with the people and then delivers one sermon which commences with *takbīr* just like the sermon of the 'Eid prayer. He seeks repentance often during the sermon and recites *ayāt* that make mention of repentance. He then raises his hands and supplicates with the supplication of the Prophet ﷺ.

"Then the *imām* prays with the people": This is an established Sunnah. That is, the *istisqa'* prayer is performed before the sermon. The people of knowledge also practiced this.[178]

"Then delivers one sermon which commences with *takbīr* just like the sermon of the 'Eid prayer": *Al-istisqa'* comprises of only one sermon. This sermon encompasses the supplication, seeking of repentance and the offering of reminders.

"He seeks repentance often during the sermon and recites *ayāt* that make mention of repentance": For example, Allah says to Nūh: **{And said, "Ask forgiveness of your Lord. Indeed, He is ever a Perpetual Forgiver. He will send [rain from] the sky upon you in [continuing] showers. And give you increase in wealth and children and provide for you gardens and provide for you rivers."}**[179] And also His words in Sūrah Hūd: **{And O my people, ask forgiveness of your Lord and then repent to Him. He will send [rain from] the sky upon you in showers and increase you in strength [added] to your strength. And do not turn away, [being] criminals.}**[180]

He recites these two *ayahs* and other *ayāt* from the end of Sūrah al-Baqarah wherein there is a supplication and mention of seeking forgiveness.

"He then raises his hands and supplicates": This is exclusive to the sermon of the rain prayer. Raising the hands in supplication during the sermons of the Friday prayer and the 'Eid prayer is an innovation in the *dīn*.

"With the supplication of the Prophet ﷺ": He makes the supplication that the

178 See *al-Mughnī* (3/336).

179 Nūh: 10-12

180 Hūd: 52

Prophet ﷺ made when he sought rain. This is because it is more readily accepted by Allah. However, if he makes a different supplication that is in agreement with the Qur'ān and the Sunnah, then it is permissible.

متن ومنه: (اللهم اسقنا غيثاً مغيثاً) إلى آخره، وإن سُقُوا قبل خروجهم شكروا الله وسألوه المزيدَ من فضله، وينادي لها: الصلاة جامعة

From them: "*Allahumma isqinā ghaythan mughīthan*," until the end. If it starts raining before they leave for the grounds, they should thank Allah and seek more of His bounties. The prayer is announced with the words, "*Al-salāta jāmi'atan*."

"From them: '*Allahumma isqinā ghaythan mughīthan*,' until the end":

[Some of the supplications that have been transmitted are:]

"*Allahumma isqinā ghaythan mughīthan hanīan marīan sahhan ghadaqan mujallalan 'ājilan ghayra ājil, allahumma isqinā al-ghaytha wa lā taj'alnā min al-qānitīn*" (O Allah! Give us rain which will replenish us, abundant, fertilising and profitable, not injurious, granting it now without delay. O Allah, give us rain and do not make us among the despondent).[181]

"*Allahumma aj'al mā anzaltahu qawwatan lanā 'alā tā'atika, wa balāghan ilā hīnin*" (O Allah! Make what You have sent down a strength for us to obey You and as a satisfaction for a time).[182]

"*Allahumma isqi 'abādaka wa bilādaka wa bahāimaka, wa anshur rahmataka, wa ahya baladaka al-mayt*" (O Allah, give water to Your slaves and Your country and Your animals, and spread Your mercy, and give life to Your dead land).[183]

"*Allahumma suqya rahmatin lā suqyā 'athābin, wa lā hadmin, wa lā balāin, wa lā gharraqin*" (O Allah! A shower of mercy, not a shower of punishment, destruc-

181 Imām al-Shāfi'ī mentions this in his book *al-Umm* (1/251) in relation to the hadīth of Ibn 'Umar. See *al-Talkhīs al-Habīr* (2/201). Hadīth reported by Abu Dawūd (1169) from the narration of Jābir.

182 Part of a hadīth reported by Abu Dawūd (1173) from the narration of 'Aishah.

183 Reported by Abu Dawūd (1176) from the narration of 'Abdullah ibn 'Amr ibn al-'Ās without the wording, "*wa bilādika*."

tion, trial or a drowning).[184]

Repentance is sought very often as well as supplications that were established by the Prophet ﷺ. This represents one's earnest following of the Messenger ﷺ and it is also the most affective in bringing about rain. It is permissible for the *imām* to read a supplication other than these, provided that it is based on the Qur'ān and the Sunnah.

"If it starts raining before they leave for the grounds, they should thank Allah and seek more of His bounties": If a day was scheduled for the Muslims to go to the open ground to perform the rain prayer but it rains before they go there, they may cancel their trip. This is because the objective, that is rainfall, has been achieved. However, they should thank Allah and glorify Him for the rain.

"The prayer is announced with the words, '*Al-salāta jāmi'atan*'": This term is a call that urges the people to join in the prayer. There is dispute as to whether saying this is warranted. The Prophet ﷺ did not do so when he conducted the rain prayer. This call to alert the people was legislated only for the eclipse prayer.

متن وليس من شرطها إذنُ الإمام، ويسن أن يقف في أول المطر وإخراجُ رَحْلِه وثيابِه ليُصيبَها المطر

Seeking permission from the *imām* is not a condition for the rain prayer. It is a Sunnah to stand in the rain as it starts to fall as well as to expose his baggage and clothes to the initial rain drops.

"Seeking permission from the *imām* is not a condition for the rain prayer": Just as seeking the *imām's* permission is not a condition for the Friday prayer. This is because the reason why the people conduct the rain prayer is a genuine need. The supplication is legislated as is the prayer; even when the *imām's* permission is not sought.

"It is a Sunnah to stand in the rain as it starts to fall": It is *mustahabb* when it begins to rain to stand in the open and allow the water to meet one's body

184 Reported by Imām al-Shāfi'ī in his *Musnad* (1/173) from the narration of al-Muttalib ibn Hantab and it is a *marfū'* report.

and head. The water is blessed as Allah says, **{And We have sent down blessed rain from the sky.}**[185]

The Prophet ﷺ also said, "It (the rain) is recently created by its Lord."[186]

"As well as to expose his baggage and clothes to the initial rain drops": The word "*rihlih*" (baggage) refers to "*athātha*" (furniture). The baggage and clothes are exposed in such a manner due to the blessing and purity contained in the rain. The rain water is *tahūr*. Allah says: **{And We send down from the sky pure water.}**[187]

متن وإن زادت المياه وخيف منها سُنَّ أن يقول: اللهم حوالَيْنا ولا علينا، اللهم على الظِّرابِ والآكامِ وبطونِ الأودية ومنابتِ الشجر، رَبَّنَا وَلا تُحَمِّلْنَا مَا لا طَاقَةَ لَنَا بِهِ

If the rainfall is heavy and it causes fear, it is Sunnah to say, '*Allahumma hawalaynā wa lā 'alaynā. Allahumma 'alā al-zurāb wa al-ākām wa butun al-awdiya wa manabit al-shajr. Rabbanā wa lā tuhammalnā mā lā tāqata lanā bihi.*'

If the rain becomes a downpour and it is feared that it shall harm the people, they should invoke Allah to remove the calamity from them and to bring back the sun. The Prophet ﷺ was delivering a sermon on Friday when a man entered the *masjid* and said, "O Messenger of Allah! Wealth is destroyed and the paths have been swept away. Invoke to Allah that he withhold the rain from us." The Prophet ﷺ raised his hands and said, "*Allahumma hawalaynā wa lā 'alaynā. Allahumma 'alā al-zurāb wa al-ākām wa butun al-awdiya wa manabit al-shajr*" (O Allah! Around us and not on us. O Allah! On the plateaus, on the mountains, on the hills, in the valleys and on the places where trees grow).

No sooner did he finish invoking than the sky cleared and the sun appeared. The people went out walking in the sun.[188] This is known as *al-istishā'a*.

185 Qaf: 9

186 Reported by Muslim (3/26) and Ahmad (3/133, 267) and Abu Dawūd (5100).

187 Al-Furqān: 48

188 Reported by al-Bukhārī (2/35, 36) and Muslim (3/24) from the narration of Anas ibn Mālik.

"*Allahumma hawalaynā wa lā 'alaynā* (O Allah! Around us and not on us)": That is, "Make the rain fall near to us so that we may benefit from it. And do not send it on us in such a manner that it harms our crops or it harms the people due to excess."

"*Allahumma 'alā al-zurāb*": *Al-zurāb* refers to raised areas of the earth.

"*Wa al-ākām*": This refers to the small mountains as they have grassy pastures where animals graze.

"*Wa butun al-awdiya*": On the valley beds. The valley is like a river. During monsoon season, water flows through its bed. This water that flows through the valley benefits the earth and the creatures of that habitat. The animals drink from it while the earth stores it in its deep recesses.

"*Wa manabit al-shajr*": On the places where trees grow. That is, large trees like the *talhi* tree and the *sadr* tree as these are very beneficial.

"*Rabbanā wa lā tuhammalnā mā lā tāqata lanā bihi*": "Our Lord do not impose upon us that which we have not the strength to bear." Examples being floods and rising water levels.

كتاب الجنائز

THE BOOK OF FUNERALS

"The Book of Funerals": The word *janāzah* refers to the deceased.[189] The plural is *janā'iz*. There are certain laws pertaining to the deceased that everyone should know. Hence the author has dedicated this chapter for this topic.

The goodly nature of Islam ensures that the deceased person is properly taken care of. In fact, even before death approaches, we visit that person and urge him to say the *shahādah*. As soon as he passes on, his clothes are removed and he is wrapped in a sheet such that he is fully covered. The body is washed and then shrouded. The funeral prayer is conducted and then he is buried in the grave.

The great care and attention offered to the deceased is a testament to the comprehensiveness of this *dīn*, praise be to Allah. The Muslim is well looked after in life as well as after death. Once he is buried in the grave, the attendees seek forgiveness on his behalf and pray that Allah makes him steady when questioned in the grave. The dead is visited on occasion and greeted with the *salām* at every visit. There remains thereafter the duty to ensure that the grave is safe from any harm, desecration or vandalism.

All this leads us to conclude that this *dīn* is complete and comprehensive for both the living and for dead. A Muslim is much valued by Allah so much so that even his lifeless corpse is respected. He is not treated like a carcass of an animal, thrown out and not glanced at again.

189 See *Lisān al-'Arab* (5/324) and *al-Mutla'* (p. 113).

It is incumbent upon Muslims to reflect on death before they are seized by it. The Prophet ﷺ urged Muslims to reflect on the *destroyer of desires.*[190] He was evidently referring to death. They should ponder much about death so that they are driven to make preparations for the final departure. They should not neglect themselves or the Hereafter. A person who constantly remembers death will definitely sin or transgress less. He will channel his energy in obeying Allah, thus preparing for his death.

When a person disregards death, he tends to become lackadaisical. He will immerse himself in sin, wrong doing and procrastinate from repentance. When he steps into sin, he tends to assume that he has a long life to live. Hence, repentance becomes something that he will pay attention to later. He is blind to the notion that death is looming and that his life span has already been determined. He forgets that repentance will not avail when death arrives. Therefore, a Muslim must make preparations for his death always as his ordained time may come when he least expects it. When one prepares for it and constantly reminds himself of death, he will increase his pious deeds and never fail to make repentance when he falls into sin.

Among the Islamic etiquettes are: Visiting the ill and making supplication for their recovery. The ailing is reminded to make repentance and if he is terminally ill, then he is reminded to prepare a will. The sick is also warned not avoid injustice.

This *dīn* is a complete *dīn* that encourages its followers to prepare themselves for the inevitable, that they bring forth deeds for themselves [in preparation for the Day of Recompense]. It warns its followers to eschew all that is detrimental to oneself and all acts which warrant a punishment in this world and in the Hereafter. This inherent providence in Islam is of great value to the Muslim.

In conclusion, there are laws pertaining to the *janāzah* which are legislated by Islam and it is *wājib* upon all Muslims to be well versed in this. Only then can they carry out the necessary actions when there is a death in the family. To highlight this, the jurists call this chapter the book of funerals (*janā'iz*).

190 Reported by Ahmad (2/292), al-Tirmidhī (2307), al-Nasā'ī (4/4) and Ibn Mājah (4258) from the narration of Abu Hurairah.

تُسَنُّ عيادةُ المريض، وتذكيرُه التوبةَ والوصيةَ متن

It is Sunnah to visit the sick and to remind him to repent and to write his will.

Firstly: It is a Sunnah to think of death and to keep reminding ourselves about it.

Secondly: If a Muslim falls sick, it is Sunnah to visit him. This act is one of the best deeds in Islam. It also serves to inform the visitor of the gravity of the illness and visiting him helps console him. The sick can also benefit from the reminders mentioned by those who visit him. In fact, both the visitor and the sick person benefit from this act.

"It is Sunnah to visit the sick": This is a right upon every Muslim for another Muslim.

"And to remind him to repent": That is, to remind him to avoid being unjust and do away with sins before death approaches.

"And to write his will": If he has any dues or money owed to others, then he must record it down in a will. The Prophet ﷺ said, "It is not proper that a Muslim spends two nights without having his will by his head."[191]

In his will, he writes that which is owed to him and that which he owes others. The writing of the will is *wājib* upon Muslims. However, to bequeath a third of his wealth or less is only *mustahabb*. If a person has a great amount of wealth, then it is *mustahabb* that he bequeaths some of it to be given away as charity upon his death. He can bequeath within the limits set by the Prophet ﷺ that is a third of his wealth or less: a fifth, sixth or a tenth. Provided it is lesser than a third of his wealth. The Prophet ﷺ said, "A third, and a third is a large amount."[192]

وإذا نزل به سُنَّ تعاهدُ بَلِّ حَلْقِه بماءٍ أو شرابٍ، ويُنَدِّي شفتيه بقطنة، وتلقينه لا إله إلا متن

191 Reported by al-Bukhārī (2/4) and Muslim (5/70) from the narration of 'Abdullah ibn 'Amr.

192 Reported by al-Bukhārī (2/103) (5/87), (7/80-81) and Muslim (5/71) from the narration of S'ad ibn Abī Waqqās.

الله مرةً، ولم يزدْ على ثلاث إلا أن يتكلم بعده فيُعيد تلقينه برفقٍ

When he is in the throes of death, it is a Sunnah to quench his throat with water or other drinks and wet his lips with a moist piece of cotton. He is instructed to say, '*Lā ilāha illallah*' once but not more than thrice except if he speaks afterwards, then *talqīn* (prompting) is resumed gently.

"When he is in the throes of death, it is a Sunnah to quench his throat with water or other drinks": That is, he is about to die. It is a Sunnah for those present at that moment to quench his thirst as his throat will become dry due to imminent death. The throes of death will be lightened if he is given water.

"And wet his lips with a moist piece of cotton": The cotton is moistened with water. His lips will become very dry due to the severity of the pain experienced just before death.

"He is instructed to say, '*Lā ilāha illallah*'": This is known as *talqīn*, and it is of great importance as it is performed to ensure that these will be the dying individual's last words. The Prophet ﷺ said, "Make *talqīn* to your dying." He was referring to those who are present when one is about to die. He carried on, "[Encourage them to say] '*Lā ilāha illallah*,' for he whose last words are *lā ilāha illallah* shall enter Paradise."[193] The *shahādah* is uttered to the dying person in the hope that these will be his last words before death seizes him.

"Once": It should not be repeated many times such that it annoys him. It will relax him during the severe situation. One makes the *talqīn* in a gentle manner. Once the dying person says the *shahādah*, the *talqīn* is stopped. However, if the dying person does talk after saying the *shahādah*, the *talqīn* is repeated.

"But not more than thrice except if he speaks afterwards, then *talqīn* (prompting) is resumed gently": One must not instruct the dying person with the words, "Say *lā ilāha illallah*." Rather, one should just mention the *shahādah* without instructing him. This is because these instructions might burden him. There is a chance that he might repeat it if one says *lā ilāha illallah* without an imperative tone. However, if the dying person starts talking afterwards, then *talqīn* is repeated.

193 Reported by Muslim (3/37) from the narration of Abu Hurairah, it is a *marfū'* report. Also reported by Ahmad (5/233), Abu Dawūd (3116) from the narration of Ibn Jabal.

متن ويقرأ عنده (يس)، ويوجهه إلى القبلة، فإذا مات سُنَّ تغميضُه، وشدُّ لحييه وتليينُ مفاصله

Sūrah Yasīn is read in his presence. He is placed to face the *qiblah*. When he dies, it is a Sunnah to close his eyes, tie his jaw shut and to loosen his joints.

"Sūrah Yasīn is read in his presence": The hadīth which recommends the reading of Sūrah Yasīn for a person who is nearing death is a weak (*da'īf*) narration.[194] It is best not to read anything as there is no evidence to support such a deed. However, if one recites the Qur'ān based on the above-mentioned hadīth, then he is not be refuted. We need to understand that the hadīth is not authentic and so it is best not to recite in such a manner.

"He is placed to face the *qiblah*": In accordance to the saying of the Prophet ﷺ, "The Ka'bah is a *qiblah* for the living and the dead among you."[195]

"When he dies, it is a Sunnah to close his eyes": When he dies, those around him should immediately close his eyes. This is because the eyes start to protrude after death. The Prophet ﷺ said, "Verily, the eyes follow the soul when it departs,"[196] and so his appearance will appear defaced. Hence, we are ordered to close the deceased person's eyes as soon after death as possible, that is to close the eyelids over the pupils. The Prophet ﷺ did likewise for Abu Salamah when he died.[197]

"Tie his jaw shut": Similarly, the mouth of the deceased starts to open up after death. It is *mustahabb* to tie the jaw together in order to shut the mouth.

"And to loosen his joints": So that rigor mortis can be delayed. One should shake the hands and feet of the corpse to delay it from becoming stiff, which will make washing it difficult.

194 Reported by Ahmad (5/26, 27), Ibn Mājah (1448), Ibn Hibbān (3002), al-Hākim (1/565) and al-Bayhaqī (3/383) from the narration of Ma'qal ibn Yasār, it is a *marfū'* narration.

195 Reported by Abu Dawūd (2875), al-Nasā'ī (7/89), al-Hākim (4/259-260) from the narration of Umayr ibn Qatādah.

196 Reported by Muslim (3/38), Ahmad (6/297) and Abu Dawūd (3118) from the narration of Umm Salamah.

197 An excerpt from a hadīth referenced earlier.

متن وخلعُ ثيابه، وسترُه بثوب، ووضعُ حديدةٍ على بطنه، ووضعُه على سريرِ غسله متوجهاً منحدراً نحو رجليه

The clothes are removed and a robe is used to cover him. A piece of metal is placed on the stomach. He is placed on the washing stretcher facing the *qiblah* with his body tilted up slightly.

"The clothes are removed and a robe is used to cover him": The clothes of the deceased are removed quickly as the clothes will expedite decay of the body. Only the undergarments are left intact. A fresh robe is worn on him.

"A piece of metal is placed on the stomach": To counter the bloating of the stomach that occurs after death, a heavy object is placed on his stomach.

"He is placed on the washing stretcher": So as to prepare the corpse for the *ghusl*.

"Facing the *qiblah* with his body tilted up slightly": The body is placed so that it faces the direction of the *qiblah*. The corpse is raised up slightly such that the head and the chest are higher than the feet. This is to help expel the waste matter in the body so that the deceased can be thoroughly cleaned.

متن وإسراعُ تجهيزه إن مات غير فجأة، وإنفاذُ وصيته، ويجب في قضاء دينه

Funeral rites should be expedited unless the death was sudden. His will should be executed and his debts must be paid off.

"Funeral rites should be expedited unless the death was sudden": It is *mustahabb* that the funeral preparations are completed promptly. The rites i.e. washing the corpse, shrouding, prayer and the carrying of it to the cemetery should be expedited. The Prophet ﷺ forbade the delay of the funeral rites.[198] However, it can be delayed if the death was sudden and there is a delay in the arrival of the guardian of the deceased or if death cannot be pronounced. Sometimes, the person has just fainted or lost consciousness. Funeral rites must not be

198 Reported by Abu Dawūd (3109) from the narration of Hussain ibn Wuhūh who said, "When Talhah ibn al-Barā' was ill, the Prophet ﷺ visited him and said, 'I do not observe except that Talhah is nearing death, so permit me and expedite. Verily, the corpse of a Muslim should not be kept back with his family.'"

expedited when there is a doubt as to whether a person is dead or alive.

Nowadays, there is a lot of delay, especially in cases of unnatural death where a post mortem is ordered to rule out foul play. It is important to rule this out as identifying and solving a crime is essential to security and safety of the citizens of a country. Hence, this worthy objective permits the delay in the funeral rites.

"His will should be executed": From the duties that are to be carried out for the deceased is the execution of his will. It is to be executed by the nominee quickly such that the dead person can get the rewards of it without delay.

"And his debts must be paid off": If the dead person owed debt and he had left wealth behind, then the next of kin should make arrangements for it to be settled using this wealth. This is so that he may be cleared of the rights owed to others. Indeed the soul of the deceased is mortgaged against the debt it owed in life.

"The martyr is forgiven all deeds except the debt he owes to others."[199] The Prophet ﷺ said, "A Muslim's soul is attached to his debt until it is paid off."[200] So one must try to pay off his debt as soon as possible."

The debt should be settled from the money or property left behind by the deceased. In fact the debt should be settled even before the inheritance is distributed and before the will is executed. If he did not leave behind money or property, then it is *mustahabb* for his relatives or fellow Muslims to settle his debts on his behalf. This is to free the deceased soul from the burden of debt.

199 Reported by Muslim (6/38) and Ahmad (2/220) from the narration of 'Abdullah ibn 'Amr ibn al-'Ās, it is a *marfū'* report.

200 Reported by Ahmad (2/440), al-Tirmidhī (1079) and Ibn Mājah (2413) from the narration of Abu Hurairah.

فصــل
SECTION

متن غسلُ الميت وتكفينُه والصلاةُ عليه ودفنهُ فرضُ كفاية

Washing the corpse, shrouding it, praying for it and burying it are all *fard kifāyah*.

"Washing the corpse, shrouding it, praying for it and burying it are all *fard kifāyah*": These four acts come under the funeral laws. They are a communal obligation upon the Muslims. If some of those in the community carry it out, the others are absolved of the obligation. However, it remains a Sunnah for the others to partake in these acts.

If the minimum number of people legislated for the act don't carry it out, then it is a sin upon the whole community. This is because these acts are *wājib* duties upon a Muslim for another Muslim. *Fard kifāyah* focuses more on fulfilling the act itself, not at those who partake in it.[201]

Fard 'ayn (personal obligation) focuses on the fulfilment of the act along with those who partake in it. This is the difference between the two.[202]

متن وأَوْلى الناس بغسله وصيُّه ثم أبوه ثم جَدُّه ثم الأقربُ فالأقربُ من عَصَباتِه ثم ذوو أرحامِه، وبأنثى وَصِيَّتُها ثم القربى فالقربى من نسائها

Priority for washing the corpse is given to: He who was named in the will

201 See *al-Tamhīd* by al-Isnawī (p. 74).

202 See *Jam' al-Jawāmi'* with annotations by al-Bannānī (1/182).

of the deceased, then his father, then his grandfather followed by the nearer relatives and so on from the paternal line and then the relatives from the maternal line. The female is washed by the one mentioned in her will followed by the nearer female relatives.

"Priority for washing the corpse is given to: He who was named in the will of the deceased": If the deceased had mentioned a particular person in his will pertaining to the act of washing his body after death, then this person has the first priority of doing so.

"Then his father": If no one was nominated by the deceased, then it becomes a duty upon the relatives of the deceased. The priority is based according to how close a relative is to the deceased. The closest relative is one's father.

"His grandfather": Since he is also like a father to the deceased.

"Followed by the nearer relatives and so on from the paternal line": The son, then the son's son, then the brother, followed by the brother's son, then the uncle, then the uncle's son and so on and so forth. The priority is based on how close they are to the deceased.

"And then the relatives from the maternal line": Next in priority to the relatives from the paternal side are those relatives from the maternal line. Examples would be maternal uncles.

"The female is washed by the one mentioned in her will": I.e. the one mentioned from amongst the women. She has the first priority. If no one was mentioned in the will, then the female relatives shall wash the body.

"Followed by the nearer female relatives": For example: her mother, grandmother, sister, paternal auntie, maternal auntie and so on and so forth. A female should only be washed by another female. Men are not allowed to wash a dead woman's corpse and vice versa.

متن

ولكل واحد من الزوجين غسلُ صاحبه

One is allowed to wash the body of his or her dead spouse.

"One is allowed to wash the body of his or her dead spouse": A wife can wash the body of her dead husband and vice versa. The evidence for this is derived from the incident where 'Alī ﷺ washed the corpse of Fātimah.[203] The Prophet ﷺ told 'Aishah thus, "If you die before me, I shall wash your body."[204] A further example: Asmā bint 'Umays washed the body of her deceased husband, Abu Bakr al-Siddīq ﷺ.[205] This is yet another proof that a spouse may wash his or her dead partner's body in preparation for burial. Apart from the spouses, no male should wash the dead body of a female and vice versa.

متن وكذا سيد مع سُرِّيته، ولرجلٍ وامرأة غسلُ من لـه دون سبعِ سنينَ فقط. وإن مات رجل بين نسوة أو عكسه يُمِّم كخُنْثَى مُشْكِلٍ

Similarly the master may wash his dead bondmaid and a man or woman may wash the body of a child who is less than seven years old only. If a man dies amongst woman or vice versa, they need only perform dry ablution on the corpse just as when an ambiguous hermaphrodite dies.

"Similarly the master may wash his dead bondmaid": This is because she is like a wife to the master. It is permissible for him to copulate with the bondmaid. In this respect, she is like a wife to him.

"A man or woman may wash the body of a child who is less than seven years old only": The evidence for this is the incident where the Prophet's ﷺ son passed away. Ibrāhīm ibn al-Rasūl was washed by some women.

"If a man dies amongst woman or vice versa, they need only perform dry ablution on the corpse just as when an ambiguous hermaphrodite dies": If a man dies and there are only women with him and his wife is not amongst them, then the women must not wash him. They may perform dry ablution on him with dust.

Similarly, if a woman dies and there are only men with her and her husband is not amongst them, then she should not be washed since there is a valid excuse.

203 Reported by al-Bayhaqī (3/396).

204 Reported by Ahmad (6/228), Ibn Mājah (1465), Abu Ya'lā (4579), al-Dāraqutnī (2/74) and al-Bayhaqī (3/378) from the narration of 'Aishah.

205 Reported by Ibn Abī Shaybah (2/455) and 'Abdul Razzāq (6118, 6123) and al-Bayhaqī (3/397).

A dry ablution with dust is performed. This is because dust is a replacement for water where the latter cannot be used for some reason or another.

An ambiguous hermaphrodite is someone whose gender is impossible to distinguish, i.e. possessing both the female and male sexual organs and the bodily features do not give away a specific gender orientation. If this person dies, dry ablution is performed on the body as the individual's gender is unknown. Since there is a large extent of ambiguity, this course of action is taken and there is a valid reason for not using water in this case.

متن

ويحرم أن يغسل مسلمٌ كافراً أو يَدفِنَه، بل يُوارى لعدم من يُواريه

It is forbidden for a Muslim to wash a disbeliever's body or to bury it but he may inter the body if there is no one else who will do it.

"It is forbidden for a Muslim to wash a disbeliever's body or to bury it": Muslims cannot act as guardians for a disbeliever. The disbeliever's relatives should act as one. The Muslim should not wash the disbeliever, shroud him, pray for him nor bury him. The people of his own religion or his sons should do the necessary rites for the disbeliever upon his death.

However, if there is none to bury the corpse, then the Muslim may dig a hole in a place other than a Muslim cemetery and bury him in it.

"But he may inter the body if there is no one else who will do it": The Muslim may conceal the body of the disbeliever if no one else comes forward to do so as no human corpse should be left exposed on the ground. This is because all humans, even the disbeliever have dignity. Hence an attempt must be made to conceal the body into the ground. Allah says: **{Then He causes his death and provides a grave for him.}**[206]

Man being assigned a grave is from the blessings of Allah for all of mankind. He has not given him a similar fate like that of a dog, lion or bird.

متن

وإذا أخذ في غسله سَتَر عورتَه وجرَّده، وسَتَره عن العيون. ويكره لغير مُعِينٍ في غسله حضورُه، ثم يرفع رأسه إلى قُرْبِ جلوسه ويعصر بطنه برفق

206 Abasa: 21

When the dead person is washed, care should be taken to cover his *awrah* when removing his clothes. He should be shielded from the view of the public. Those not involved in the process should not witness the washing as it is disliked. The dead person's head is raised up until the body is nearly in a sitting position and then the stomach is lightly rubbed.

The following are the rulings pertaining to washing the deceased Muslim: The person involved in the washing of the corpse must remove the clothes from the dead person but should place towels or cloth to cover his *awrah*. The body should be washed in a private room and not where it is exposed to the prying eyes of the people.

"To cover his *awrah*": The private parts.

"When removing his clothes": So as to pour water over the body.

"He should be shielded from the view of the public": By conducting the washing in a private room or a tent. It should not be conducted in a public area where everyone can see the body.

"Those not involved in the process should not witness the washing as it is disliked": Those not involved in the washing process should not be allowed in the room or tent. [The one who washes,] he who shifts the body or pours water for the person washing are those involved in the process. He who does not have a role to play should not be permitted in the room so as to safeguard the privacy of the dead person.

"The dead person's head is raised up until the body is nearly in a sitting position": When washing the body, the first thing to do is to raise his head such that the body is nearly in a sitting position so that his stomach contents may flow out.

"And then the stomach is lightly rubbed": This pressing of the stomach will help encourage the flow of the stomach contents from the body.

متن ويكثر صَبَّ الماء حينئذ، ثم يلفُّ على يده خِرْقةً فينجيه ولا يحلُّ مسُّ عورةِ مَنْ لـه سبعُ سنين، ويستحـب أن لا يمسَّ سائره إلا بخرقة ثم يوضئه ندباً، ولا يدخل الماء في فيه ولا

في أنفـه، ويدخـل إصبعيه مبلـولتين بالماء بين شفتيه فيمسح أسنانـه وفي مِنْخريه فينظفهما، ولا يدخلهما الماء

Copious water is poured at this time. A cloth is wrapped around the washer's hand so that he can clean the body's private parts. It is not permitted to directly touch the *awrah* of the dead person if he is seven years of age or older. It is *mustahabb* that the rest of the body is touched only by means of a cloth. It is allowed to perform ablution to the body thereafter, though water is not poured into his mouth or nose. A wet cloth wrapped around a finger is placed between his lips and his teeth are rubbed with it. The nostrils are similarly cleaned. Water should not be poured into these openings.

"Copious water is poured at this time": So that the stomach contents can be washed away.

"A cloth is wrapped around the washer's hand so that he can clean the body's private parts": This is done once the stomach contents are removed. The washer places his cloth-wrapped hand inside the cloth covering the private parts. Water is poured over the private parts so that the openings are thoroughly cleaned.

"It is not permitted to directly touch the *awrah* of the dead person if he is seven years of age or older": A cloth must be wrapped around the hands while washing the body.

"It is *mustahabb* that the rest of the body is touched only by means of a cloth": It is preferred that a cloth is wrapped around the hand throughout the whole process of washing the body.

"It is allowed to perform ablution to the body thereafter": That is, after cleaning the private parts. The ablution is similar to that performed for a prayer.

"Though water is not poured into his mouth or nose. A wet cloth wrapped around a finger is placed between his lips and his teeth are rubbed with it. The nostrils are similarly cleaned": The body shall decay quickly if water is introduced into the body via the mouth or the nose.

The ablution continues with the washing of the face and hands. The head is

wiped and the feet are washed just as a living person would perform ablution.

متن ثم ينوى غسله ويسمي، ويغسل برغوة السِّدْر رأسه ولحيته فقط، ثم يغسل شقّه الأيمن ثم الأيسر

The intention is made for the washing, then the name of Allah is mentioned. Only the head and the beard are washed with a broth made from lotus (*sidr*) leaves. Then the right side of the body is washed followed by the left side.

"The intention is made for the washing": After the private parts are cleaned and the ablution is completed, the washer makes the intention to wash the body as this process is an act of worship. Acts of worship are futile without an intention as the Prophet ﷺ said, "Verily all deeds are by intentions and for every man is what he intended."[207]

"Then the name of Allah is mentioned": According to the Prophet's saying, "There is no ablution for he who does not mention the name of Allah upon it."[208] The washing is a cleaning process similar to ablution.

"Only the head and the beard are washed with a broth made from lotus (*sidr*) leaves": He starts by washing the head like a living person would when taking a bath. This includes the face and the beard. The washer may use cleaning agents like *sidr* leaves, saltwort (*al-ushnān*)[209] or soap. Nowadays shampoo is used for the hair and beard so that it effectively removes dirt and bad smell.

"Then the right side of the body is washed followed by the left side": Similar to how a living person would perform a bath. Starting with the right side in cleansing oneself is preferred and *mustahabb*.

متن ثم كله ثلاثاً يُمرُّ في كل مرة يَدَه على بطنه، فإن لم ينق بثلاث زِيْدَ حتى ينقى ولو جاوز السبع، ويجعل في الغسلة الأخيرة كافوراً

207 Reported by al-Bukhārī (1/2, 21), (3/190) and Muslim (6/48) from the narration of 'Umar ibn al-Khattāb.

208 Reported by Ahmad (4/70), (5/183), al-Tirmidhī (25, 26) and Ibn Mājah (398) from the narration of Sa'īd ibn Zayd.

209 A plant of the goosefoot family, which typically grows in salt marshes. It is rich in alkali and its ashes were formerly used in soap-making.

Then the entire body. Washing all the parts thrice, rubbing his hand against the stomach for each time he is washed. If washing him thrice does not achieve total cleansing, it can be repeated more until he is fully cleansed, even if it is seven times or more. Camphor is added in the last wash.

"Washing all the parts thrice": The Prophet ﷺ ordered the women who washed his son to, "Wash him with water mixed with *sidr* leaves thrice or more if you think it is necessary."[210] Washing thrice is a limit. However, it can be surpassed if full cleansing is not achieved. The body can be washed up to seven times or more.

"Rubbing his hand against the stomach for each time he is washed": So that the stomach contents can be fully removed.

"If washing him thrice does not achieve total cleansing, it can be repeated more until he is fully cleansed, even if it is seven times or more": If washing the body thrice does not achieve the goal, then it can be washed even more. This is according to the saying of the Prophet ﷺ, "... Thrice or more if you think it is necessary." So the body is cleansed without any limitation until it is totally cleansed.

"Camphor is added in the last wash": Added to the water. Camphor is sweet-smelling and makes the body firm. Camphor is well-known among herbalists and those who practice traditional healing.

متن

والماء الحار والأشنان والخلال يُستعمل إذا احتيج إليه

And hot water and saltwort. A toothpick is used if it is necessary.

"Hot water": Hot water is not to be used for the washing process as this will make the body soft. Warm water should be used instead of hot water and cold water. Hot water can only be used if the body has dirt upon it that can only be removed by it and nothing else.

"Saltwort": Similarly, saltwort should not be used unless there is a need for it. If the body has dirt upon it that can only be removed by saltwort, soap or any

210 Reported by al-Bukhārī (2/93, 94, 95) and Muslim (3/47) from the narration of Umm 'Atiyah.

other cleansing agent, then it may be used.

"A toothpick is used if it is necessary": If the washer feels that the deceased needs to have his teeth cleaned, then the toothpick can be used to remove impurities stuck in between the teeth. It should be done only if the need arises. If not, the toothpick is not used.

متن ويقص شاربه، ويقلم أظفـاره، ولا يسرح شعره، ثم ينشف بثوب، ويُضْفَر شعرُها ثلاثةَ قُرون ويُسْدَل وراءها

His moustache is trimmed and his nails are clipped. His hair should not be combed. The body is patted dry with a towel. A female's hair is braided into three plaits and left to fall behind her back.

"His moustache is trimmed and his nails are clipped": If he has a long moustache, it is trimmed. It should not be left as it is. This is to implement the Sunnah even in death. His long finger and toe nails are clipped. Both the trimming of the moustache and the clipping of the nails is a Sunnah for the living as well as for the dead. If the nails and moustache are not long then they are left as they are.

"His hair should not be combed": Instead it should be left as it is.

"The body is patted dry with a towel": The body should not be wet and moist when the shrouding takes place.

"A female's hair is braided into three plaits and left to fall behind her back": As braiding the hair is a common habit among women. Umm 'Atiyah and her companions braided the hair of Zaynab, the daughter of the Prophet ﷺ, in three and let the plaits fall behind her back. She said, "We braided her hair into three plaits and we let them fall down her back."[211]

متن وإن خرج منه شيء بعد سَبْع حُشي بقطن، فإن لم يَسْتمسكْ فَبِطينٍ حُر، ثم يغسل المحل ويُوَضًّأ وإن خرج بعد تكفينه لم يُعد الغسل

If there is a discharge from the body even after seven washes, the flow is

211 Reported by al-Bukhārī (2/95) and Muslim (3/48).

stemmed with cotton. If the discharge does not stop, strong clay is used to stem the flow. The area of discharge is washed thereafter followed by an ablution. If there is a discharge after the body is shrouded, then no more cleansing is done.

"If there is a discharge from the body even after seven washes, the flow is stemmed with cotton. If the discharge does not stop, strong clay is used to stem the flow": If there is discharge from his privates after the seventh wash, then the openings are covered with cotton to stem the flow. If cotton is not effective, strong clay is used.

"The area of discharge is washed thereafter followed by an ablution": If there is a discharge after the *ghusl*, then the ablution is repeated and not the *ghusl*.

"If there is a discharge after the body is shrouded, then no more cleansing is done": When all of the necessary steps are taken to stem the flow of the discharge, the body is shrouded. However, if discharge is seen afterwards, no more cleansing is required and the body is left as it is. This is because all preventive steps were taken, praise be to Allah.

متن

ومُحْرِمٌ ميتٌ كحي: يُغسل بماء وسِدْر، ولا يُقَرَّبُ طيباً، ولا يلبس ذَكَرٌ مَخِيْطاً ولا يغطى رأسه ولا وجه أنثى.ولا يغسَّل شهيد مَعْرَكَةٍ

The laws that apply to a pilgrim apply even when he dies in the state of *iḥrām*. He is washed with water and lotus leaves but perfume should not touch the body. The male pilgrim should not be made to wear stitched clothes nor should his head be covered. A woman's face should not be covered as well. The body of the martyr felled at battle is not washed.

"The laws that apply to a pilgrim apply even when he dies in the state of *iḥram*. He is washed with water and lotus leaves but perfume should not touch the body. The male pilgrim should not be made to wear stitched clothes nor should his head be covered. A woman's face should not be covered as well": A pilgrim who dies is made to adhere to the same rules as a living pilgrim. All prohibitions which take effect when in the state of *iḥrām* apply to the pilgrim who dies while in that state. Examples would be the prohibition to apply perfume, cover the head and wearing of stitched garments. In fact, the pilgrim is buried wearing the clothes of *iḥrām*. A man was standing in 'Arafah with the Prophet

ﷺ. He suddenly fell from his mount and it trampled him to death. The Prophet ﷺ said, "Shroud him in his clothes." He was wearing the garments of *iḥrām* at the time. "... Do not apply perfume to him nor cover his head. Verily he shall be raised on the Day of Judgement saying the *talbiyyah*."[212]

This is the evidence to prove that a pilgrim is buried in his *iḥrām* clothes if he dies while in the state of *iḥrām*. The prohibitions of the state of *iḥrām* must still be observed. He is washed and shrouded in his *iḥrām* garments with the head uncovered. He is prayed over as normal and buried in the state of *iḥrām*.

That which was left incomplete by his death need not be completed by someone else on his behalf. This is because he died while trying to complete his pilgrimage. Furthermore the Prophet ﷺ did not order anyone to complete the remaining rites of Hajj on behalf of the deceased. This is proof that Hajj is not completed on behalf of one who dies as a pilgrim.

As for a woman, it is permissible for her to wear stitched clothes as the prohibition is not legislated for them. However, she must not wear the face veil or gloves.

"The body of the martyr felled at battle is not washed": As for he who is martyred in the battlefield, fighting to exalt the word of Allah, his body is not washed. It is better that he is buried with his bloody wounds. Neither is he shrouded. He is buried wearing the clothes he had on when he was martyred. No prayer is offered for him as martyrdom is sufficient for him: **{And never think of those who have been killed in the cause of Allah as dead. Rather, they are alive with their Lord, receiving provision.}**[213] **{And do not say about those who are killed in the way of Allah, "They are dead." Rather, they are alive, but you perceive [it] not.}**[214]

There are those who are martyred but not at the battlefield, for example those who die of plague, a woman who dies at childbirth, or those who die suddenly in a fire, by drowning or when a building collapses on them. These people are also martyrs but they are not accorded the same status of the martyr who died

212 Reported by al-Bukhārī (2/96), (3/22) and Muslim (4/25) from the narration of 'Abdullah ibn 'Abbās.

213 Āli 'Imrān: 169

214 Al-Baqarah: 154

in the battlefield, nor do the laws apply. Hence, those from this category of martyrs are washed, shrouded and the prayer is offered for them.

This is because there are two types of martyrs:

The martyr of the world and the Hereafter: The example of this would be the martyr who is killed in battle.

The martyr of the Hereafter: This is who the Prophet ﷺ classified as a martyr. They are the martyrs of the Hereafter. However, they are considered only as the dead in this world. Therefore they are washed, shrouded and the *janāzah* prayer is offered for them, yet they shall find the reward for their martyrdom with Allah ﷻ. For this reason, the first type is distinguished as a martyr killed in battle.

متن

ولا مقتول ظلماً إلا أن يكون جُنباً، ويـــدفن بدمه في ثيابه بعد نزع السلاح والجلود عنه، وإن سلبهما كُفِّن في غيرهما، ولا يُصلّى عليه، وإن سَقَطَ عن دابته أو وُجد ميتاً ولا أثَرَ به، أو حُمِلَ فَأكلَ، أو طالَ بقاؤُه عَرْفًا غُسِّلَ وصُلِّي عليه

And likewise if he is unjustly killed, then he is buried in his blood-stained clothes, unless if he was in a state of *janābah*. After the sword and leather is removed from his body. If his garments were taken from someone else, then he is shrouded in other clothes. No prayer is offered for them. If he falls from his mount, his dead body is found in the battlefield without any wounds, he is carried away and then eats or succumbs to his wounds after a customarily long time, then he is washed and the prayer is offered for him.

"If he is unjustly killed": Similarly, the one killed unjustly is accorded the rewards of a martyr.

"Unless if he was in a state of *janābah*": I.e. when he was killed. In this case, the martyr who dies on the battlefield is washed for the state of *janābah* and not for his death.

"If his garments were taken from someone else, then he is shrouded in other clothes": He must be shrouded in a fresh pair of clothes and not left naked.

"If he falls from his mount": He falls from his mount while in the battlefield fighting for the sake of Allah and dies as a result. In this case, he is not considered a martyr and his body is washed. He is shrouded and prayer is offered for him.

"His dead body is found in the battlefield without any wounds": He is also not considered as a martyr as there is no evidence that he was killed.

"He is carried away and then eats": He is wounded on the battlefield and carried away to a safe place where he dies of his wounds. He is also not considered to be a martyr and so his death is treated as an ordinary one.

"Or succumbs to his wounds after a customarily long time": He is not considered a martyr. However, if he dies of his wounds while being transported to a safe place, then he is considered to be a martyr killed at battle.

متن والسِّقْطُ إذا بَلَغَ أربعةَ أشهرٍ غُسِّلَ وصُلِّيَ عليه. ومن تَعَذَّر غَسْلُه يُمِّم، وعلى الغاسل سَتْرُ ما رآه إن لم يكن حَسَناً

A dead foetus which is at least four months old is washed and prayer is offered for it. Whenever washing of a body is impossible, dry ablution is performed. If the washer sees an imperfection, then he should keep it to himself.

"A dead foetus which is at least four months old is washed and prayer is offered for it": If the dead foetus that is purged from the womb due to miscarriage is four months old, then the soul has been breathed into him. The foetus is treated as one who requires a *janāzah*. He is washed, shrouded, a prayer is offered for him and he is buried just like an older person. However, if the foetus is less than four months old, it is assumed that his soul has not been breathed into him. It is sufficient to wrap the foetus in a cloth and bury it.

"Whenever washing of a body is impossible, dry ablution is performed": If a body is badly burnt or if it is in an advanced stage of decay, it is not washed as this will only cause more damage to the body. In these situations, dry ablution is performed on the body similar to the dry ablution of a living person who is incapable of using water.

"If the washer sees an imperfection, then he should keep it to himself": If the washer notices that the deceased shows signs of happiness, goodness or radiance upon his face, then he should let others know of it. However, if he sees signs to the contrary, he should keep it to himself and not let anyone know. He who hides the deficiencies of a Muslim, Allah will hide his deficiencies in this world and in the Hereafter. The deceased should not be slandered with words such as, "I saw upon him this or that."

فصــــل
SECTION

متن يجب تكفينُه في مالِه مَقدَّماً على دَيْنٍ وغيرِه، فإن لم يكن لـه مالٌ فعلى من تلزمه نفقتُه، إلا الزوجَ لا يَلْزمه كفن امرأتِه

The dead person's money should be allocated for buying the shroud even before his debts are settled or used for any other reason. If he did not leave behind any money, then those who are responsible for his welfare should pay for the shroud, though the husband need not pay for the wife's shroud.

"The dead person's money should be allocated for buying the shroud even before his debts are settled or used for any other reason": It is *wājib* that the shroud is brought using the money left behind by the deceased. It has a higher priority than settling his debt. This is because preparing for the burial of the deceased is more important than settling his debt, executing his will or giving out donations that he had stipulated before his death. When the man fell off his mount at Arafāh and died, the Prophet ﷺ said, "Shroud him in his clothes,"[215] and did not probe as to whether this man had debt or not. This proves that shrouding him has a higher priority than the other matters.

Similarly, when Mus'ab ibn 'Umayr and Hamzah ibn 'Abdul Muttalib ﷻ were martyred in the battle of Uhud, they were shrouded in the clothes they were wearing.

A living bankrupt person who is indebted to people should be fed and his

215 Reported by al-Bukhārī (2/96), (3/22) and Muslim (4/25) from the narration of 'Abdullah ibn 'Abbās.

needs fulfilled before his money is distributed amongst his debtors. This is because these basic needs are essential for his life and so they are given priority over the settlement of his debt.

Thus the shroud should be bought with his own money even if he has left behind an amount just enough to buy it.

"If he did not leave behind any money, then those who are responsible for his welfare should pay for the shroud": If he did not leave behind any possessions or wealth and does not own a shroud, it becomes *wājib* upon those who are charged with his daily welfare while he was alive (for example his father, son or others from the male line) to buy the shroud on his behalf. If he does not have any relatives or they are not able to afford a shroud, then he is supplied with a shroud bought from the national treasury. If the national treasury is unable to do so, then it is *wājib* upon any Muslim who knew the deceased when he was alive to come forward and supply it. This is a communal obligation (*fard kifayah*) which when carried out by an individual, absolves the rest of the community of that obligation.

"Though the husband need not pay for the wife's shroud": The husband is charged with the welfare of his wife whilst she is alive. However if she dies, he is not responsible for buying the shroud for her. Instead, her relatives, for example her father, grandfather, her nephew or others from the male line should buy it. The reasoning behind this view is that welfare has a correlation with companionship and this companionship ceases with the death. Therefore there is no reason for him to provide the shroud for his wife.

Another view by Imām Ahmad which is corroborated by some of the scholars is that the husband is obliged to provide the shroud for the wife as it is a duty of a husband to his wife.

متن

ويُستحَبُّ تكفينُ رجلٍ في ثلاثِ لفائفَ بيضٍ تُجَمَّر، ثم تُبْسَط بعضُها فوق بعضٍ، ويُجعل الحَنُوطُ فيما بينها، ثم يوضَع عليها مُسْتَلْقياً، ويُجعل منه في قُطن بين أَلْيتيه ويُشَدُّ فوقها خِرْقَةٌ مشقوقةُ الطَّرَفِ كالتُّبَّان، تَجمع أَلْيَتَيْهِ ومثانَتَه ويُجعل الباقي على منافذِ وجهه ومواضع سجوده، وإن طُيِّب كلُّه فَحَسنٌ

It is *mustahabb* to shroud the man in three layers of white sheets of cloth.

The sheets are smoked in scent and then laid spread out one on top of the other. Embalming scents (*hanūt*) are placed in between the layers. He is placed on top of the sheets in a supine position. The embalming scent is also placed in a cotton cloth between the buttocks and its loose ends are tied up with a string that resembles a loincloth to gather the buttocks and the privates. The remainder of the scent is placed near the face and the places which come into contact with the ground when making prostration. If the whole body is scented then it is good.

Having explained the laws pertaining to the shrouding process and who should carry it out, the author shifts to the topic of how it is performed.

"It is *mustahabb* to shroud the man in three layers of white sheets of cloth. The sheets are smoked in scent and then laid spread out one on top of the other": The minimum size of the cloth used as a shroud should be enough to cover the whole body, male or female. This is *wājib*. Anything bigger is just *mustahabb*.

The male is shrouded in three layers of cloth as was the Prophet ﷺ. As in the hadīth of 'Aishah, "The Prophet was shrouded in three cotton sheets from Suhūliyah,[216] which did not include a shirt or a turban."[217]

One layer of cloth is spread out on the ground and another cloth is spread out on top of it, followed by the third layer. The deceased is then placed on top of it in a supine position. The right side of the top-most layer is placed on him followed by the left side. The same is done with the other two layers. The sheets should be longer than the person so that the ends can be tied up above his head and below his feet with a piece of cloth. The same is done at the middle of the body so that the layers will not unfurl. When the deceased is placed in the grave, these ties should be removed.

It is *mustahabb* to apply scent upon the shroud. It can be smoked in frankincense (*bukhūr*) or sprinkled with perfumed water so that it smells sweet and pleasant.

It is *mustahabb* to shroud the body of a female in five outfits: The *qamīs* i.e. the

216 This is an attribution to Sahuwal, a city in Yemen. There are other views regarding this. See *al-Nihāyat fī Gharīb al-Hadīth* of Ibn Athīr (2/347).

217 Reported by al-Bukhārī (2/95-97) and Muslim (3/49).

long outer garment that covers the body, the *izār* i.e. waist gown worn under the robe, the scarf on her head, and the two layers of cloth wrapped around the robe, waist gown and the scarf. This is the Sunnah.

"White": White cloth is *mustahabb* to be used as a shroud. The Prophet ﷺ said, "Wear white clothes and shroud your dead in it."[218]

However, it is permitted to use cloth of other colours though white is the best as the Prophet ﷺ instructed such. He was also shrouded using three layers of white cotton cloth.[219] Allah would not have chosen anything but the best for his Prophet ﷺ.

"Embalming scents (*hanūt*) are placed in between the layers. He is placed on top of the sheets in a supine position. The embalming scent is also placed in a cotton cloth between the buttocks and its loose ends are tied up with a string that resembles a loincloth to gather the buttocks and the privates. The remainder of the scent is placed near the face and the places which come into contact with the ground when making prostration": The embalming scent known as *hunūt* is placed in between the sheets of cloth. Scent is placed on a piece of cloth that is then draped around the private parts and rear end and tied to the sides of the hip like a loincloth. This is to prevent any flow of any excretion from the body and it serves to cover the *awrah* of the deceased as well.

Scented cotton is also placed on his eyes, mouth and the areas that touch the ground when making prostration like the palms, forehead, nose, knees and the tips of the feet. This is in honour of these parts of the body. This is the process of scenting the body and the method in which to put it in the shroud and the body. This act is a Sunnah.

"If the whole body is scented then it is good": Referring to the body of the deceased. This is the best method, and it was carried out by some of the Companions.[220]

218 Reported by Ahmad (1/231, 247), Abu Dawūd (3878), al-Tirmidhī (994) and al-Nasā'ī (8/149) from the narration of 'Abdullah ibn 'Abbās.

219 Mentioned previously.

220 Reported by 'Abdul Razzāq in his *Musannaf* (7140) that Ibn 'Umar used to scent the bodies with musk scattering all of the them.

متن **ثم يُرَدُّ طرفُ اللِّفَافةِ العُليا على شِقِّه الأيمنِ ويُرَدُّ طرفُها الآخرُ فوقه، ثم الثانية والثالثة كذلك ويُجعل أكثرُ الفاضِلِ على رأسِه، ثم يَعْقِدُها، وتُحَلُّ في القبر، وإن كُفِّن في قميصٍ ومئزرٍ ولِفَافةٍ جاز. وتُكَفَّنُ المرأةُ في خمسة أثواب: إزار وخِمار وقميص ولِفَافتينِ، والواجبُ ثوبٌ يَسْتر جميعَه.**

Then the edge of the top-most layer is placed over the right side of his body followed by the edge of the opposite side being placed above it, and this is repeated with the second and third layers. An excess margin of the cloth is allowed above the head which is then brought together and tied. This knot is released when the deceased is placed inside the grave. It is permissible to shroud the body in a robe and a waist gown with a cloth wrapped around it. A female is shrouded in five garments: the waist gown, the veil, the robe and two layers of clothed wrapped around all of this. It is *wājib* to shroud the entire body.

This has already been explained.

فصــــل
SECTION

متن السُّنَّة أن يقوم الإمامُ عند صدره وعند وسطها، ويكبِّر أربعاً، يقرأ في الأولى بعد التَّعوُّذِ الفاتحةَ

It is Sunnah for the *imām* to stand at the position of the chest for a male and at the middle for a female. Four *takbīrs* are pronounced. He says the *ta'wudh* and then al-Fātihah is read after the first *takbīr*.

"Section": After explaining the shrouding method, the author proceeds to elaborate on the funeral prayer. This prayer must be performed for it is a right of a Muslim except the martyr as was discussed earlier. It is binding on Muslims to offer the prayer for a dead Muslim except the martyr as the prayer is an intercession and an invocation for the dead.

Such is the compassion and goodwill enjoined in our great *dīn*. Al-Imām ibn al-Qayyim mentions in his book *Zād al-Ma'ād*[221] that the guidance of the Prophet ﷺ pertaining to the funeral rites is the best and most holistic guidance one can receive. He ﷺ used to visit the sick, encouraging him to say the *shahādah* when death was inevitable, to correct his state after death by closing his eyes and mouth and removing his dirty clothes.

He is covered such that his *awrah* does not show and then washed. He is later shrouded. Muslims stand in rows to offer the prayer for him. They invoke Allah to shower mercy and forgiveness upon him. These acts are manifestations of the compassion and good will that are integral parts of our *dīn*.

221 *Zād al-Ma'ād* (1/498).

He is carried to the cemetery, given last respects and then buried well. They visit the grave on occasion and supplicate for the deceased. This is the true spirit shown in our magnificent *dīn* and no other religion is as holistic and complete like it.

"It is Sunnah for the *imām* to stand at the position of the chest for a male and at the middle for a female": The position of the *imām* during the *janāzah* prayer is to stand at the level of the deceased's chest if it is a male. It is claimed that he should stand at the deceased's head. This view is preferred.[222]

If the deceased is a female, then the *imām's* position is at the middle of the body. This was where the Prophet ﷺ stood as *imām* of the *janāzah* prayer for a female.[223] He either stood at the position of the chest or head if the deceased was a male. This is the Sunnah.

It must be mentioned that if the *imām* stood in any position, the prayer is still valid. However, that which was described is best.

"Four *takbīrs* are pronounced": The *imām* says the *takbīratul ihrām*, then the *ta'awudh*. He says the *basmallah* and then recites Sūrah al-Fātihah without the *duā' al-istiftah*. This is because the *janāzah* prayer should always be brief.

He then says the second *takbīr*. Now he sends salutations upon the Prophet ﷺ and Ibrāhīm. This is followed by the third *takbīr* which is where he supplicates for the deceased. The fourth and final *takbīr* is then said and the prayer is concluded with one *taslīm* to the right only.

This is the *janāzah* prayer which consists of praises to Allah in the form of Sūrah al-Fātihah, salutations upon the Prophet ﷺ and then supplication for the deceased. It must be pointed out that the supplications that begin with praises to Allah and then sending salutations for the Prophet ﷺ are readily accepted. Thus this is the manner in which it is prayed over the deceased.

Four *takbīrs* is the number that is well established in scholarly circles. In fact it is a matter of consensus amongst the scholars. If the *imām* makes three *takbīrs*,

222 See *al-Insāf* (2/516).

223 Reported by al-Bukhārī (2/111-112), Muslim (3/60) from the narration of Samrah ibn Jundub.

the prayer is invalid.[224] There are differences of opinion regarding the issue of saying more than four *takbīrs*.[225] It is claimed that the *janāzah* prayer consists of five *takbīrs*. Some say six *takbīrs* while others say that it consists of seven *takbīrs*. However, the *ahādīth* and the consensus of the Muslims point to the authenticity of making four *takbīrs*. Those views that increase upon four are all disputable.

In fact, some scholars refute the views that mention more than four *takbīrs*. Their evidence is that the Prophet ﷺ said four *takbīrs* when he prayed for Najāshī, the king of Abyssinia.[226] This incident is reported in the *Sahīh*. Also, the Prophet only performed four *takbīrs* when he offered the *janāzah* prayer for other than Najāshī. Hence, the Sunnah is established along with the consensus of the scholars and the views stating that the number is more than four are differed over.

The student of knowledge should not actively pursue or seek extraordinary views or differences in opinion. This will only serve to confuse the general masses if it is conveyed to them, as we see some students of knowledge doing. This is not permitted. They must adopt that which the Ummah has collectively agreed upon and those acts which are well-established amongst the people.

Imām al-Nawawi said, "There were those among the Companions who used to say four *takbīrs* and those who said more than that. However, the generation that came after them drew a consensus that only four *takbīrs* should be pronounced in the *janāzah* prayer."

The student of knowledge does not seek out differences in opinion and extraordinary views that will confuse and disorientate the masses.

"He says the *ta'wudh* and then al-Fātihah is read after the first *takbīr*": It has been reported that the Prophet ﷺ used to read Sūrah al-Fātihah as did the Companions. It is reported in *al-Sahih* that Ibn 'Abbās ﷺ read it aloud. He reasoned, "So that people will know that it is Sunnah."[227]

224 See *al-Mughnī* (3/410), (3/447).

225 Ibid.

226 Reported by al-Bukhārī (2/92), Muslim (3/54) from the narration of Abu Hurairah.

227 Reported by al-Bukhārī (2/112).

By "Sunnah", he does not mean that it is *mustahabb* but that it was the way of the Prophet ﷺ. The pious predecessors used to term that which the Prophet was reported to have done as the Sunnah.

متن ويُصلِّي على النبي ﷺ في الثانية كالتشهد، ويدعو في الثالثة فيقول: اللهم اغفر لحيِّنا وميِّتنا، وشاهدِنا وغائبنا، وصغيرِنا وكبيرِنا، وذكَرنا وأُنثانا، إنك تَعْلَم مُنقلَبنا ومَثْوانا، وأنت على كل شيء قدير، اللهم مَنْ أحييته منا فأَحيه على الإسلام والسُّنَّة، ومن توفيته فتَوفَّه عليهما، اللهم اغفرْ لـه وارحمه وعافِهِ، واعفُ عنه وأكرِمْ نُزُلَه، ووسِّعْ مُدخَلَه واغسلْه بالماء والثلج والبرد، ونقِّه من الذنوب والخطايا كما ينقَّى الثوبُ الأبيضُ من الدَّنَس، وأبدلْه داراً خيراً من داره، وزوجاً خيراً من زوجه، وأدخلْه الجنة، وأَعِذْه من عذاب القبر وعذاب النار، وافْسَحْ لـه في قبره ونَوِّرْ لـه فيه

The *imām* sends salutations upon the Prophet ﷺ (similar to that in *tashahud*) after the second *takbīr*. He supplicates after the third *takbīr* saying, "*Allahumma ighfir lahiyyanā wa mayyatinā, wa shāhidinā wa ghā'ibinā, wa saghīrinā wa kabīrinā, wa dhakaranā unthānā, innaka ta'lam munqalabanā wa mathwānā, wa anta 'alā kulla shayin qadīr, allahumma man ahyaytahu minnā fa'ahyihi 'alā Islami wa al-sunnati, wa man tawaffaytahu minna fa-tawaffahu 'alayhimā, allahumma aghfir lahu warhamnahu wa 'āfihi, wa'fu a'nhu, wa awsi' mudkhalahu, waghsilhu bilmā'i wa al-thalji wa al-bardi, wa naqqahi min al-dhunūb wa al-khatāyā kama yunaqqā al-thawbu al-abyadu min al-danasi. Wa abdilhu dāran khayran min dārihi, wa zawjan khayran min zawjihi, wa adkhilhu al-jannata, wa a'ithhu min 'adhābi al-qabri wa 'adhābi al-nār, wa afsih lahu fi qabrihi wa nawwir lahu fīhi.*"

(O Allah, forgive those of us who are living and those of us who are dead, those of us who are present and those of us who are absent, our young and our old, our male and our female. Verily you are knowledgeable of our return and abode, and you are over everything powerful. O Allah, to whosoever of us You give life grant him life as a follower of Islam upon the Sunnah, and whomsoever of us You take in death take him in death as a follower of Islam upon the Sunnah. O Allah! Forgive him, have mercy upon him. Give him peace and absolve him. Receive him with honour and make his grave spacious. Wash him with water, snow and hail, cleanse him from sins and faults as is cleaned a white garment from impurity. Requite him with an abode more excellent than his abode, with a mate better than his mate, enter him into Paradise, save him from the trial of the grave and torment of Hell, and

make his grave wide for him with light therein.)

"The *imām* sends salutations upon the Prophet ﷺ (similar to that in *tashahud*)": As he would do in the final tashahud of obligatory prayer, "*Allahumma salli 'alā Muhammad wa 'alā āli Muhammad kamā salayta 'alā āli Ibrāhīm. Wa bārik 'alā Muhammad wa 'alā āli Muhammad kamā bārakta 'alā āli Ibrāhīm innaka hamīdun majīd.*" (O Allah, exalt the mention of Muhammad and the family of Muhammad as you exalted the family of Ibrāhīm. You are Praised and Glorious. O Allah, bless Muhammad and the family of Muhammad as You blessed the family of Ibrāhīm. You are Praised and Glorious.)

"He supplicates after the third *takbīr*": After glorifying Allah and after sending salutations upon the Prophet ﷺ he makes the supplication mentioned above.[228]

It is permissible to make any other supplication which is convenient for him. The objective is to supplicate for the deceased, seeking forgiveness and mercy for him. We beseech Allah to permit him into Paradise and spare him from the Hellfire. This supplication though has been authentically reported from the Prophet ﷺ and hence the author mentions it here. It is the best and most beneficial for the deceased.

متن

وإن كان صغيراً قال: اللهم اجعلْه ذخراً لوالديه وفَرَطاً وأَجْراً وشفيعاً مجاباً، اللهمَّ ثَقِّلْ به مَوازينهما، وأعْظِمْ به أجورهما وأَلْحِقْه بصالح سَلَفِ المؤمنين، واجعله في كفالة إبراهيم، وَقِهِ برحمتك عذابَ الجحيم. ويقف بعد الرابعة قليلاً، ويسلِّم واحدةً عن يمينه، ويرفع يديه مع كلِّ تكبيرةٍ

If the deceased is a child, he says: "*Allahumma aj'alhu dhukhran liwālidayhi, wa faratan wa ajran wa shaf ī'an mujāban, allahumma thaqqal bihi mawāzīnahumā, wa a'zim bihi ajūrahumā, wa alhiqhu bisālih salafi al-muminīn, wa aj'alhu f ī kafālati Ibrāhīm, waqihi birahmatika 'adhāba al-jahīm.*" He should pause for a short moment after the fourth *takbīr* and then make *taslīm* once to the right side. He raises his hands with every *takbīr*.

"If the deceased is a child": That is, a child who has not reached puberty. Forgiveness is not sought for the child as the child does not have any sins. Instead

228 Reported by Ahmad (2/368), Abu Dawūd (3201), al-Tirmidhī (1024) and Ibn Hibbān (3070) from the narration of Abu Hurairah.

the supplication mentioned by the author is read. It means, "O Allah! Make him an asset for his parents. A forerunner and he whose intercession is answered. O Allah! Magnify their reward and make him weigh heavily in their scales [of good]. Make him join the righteous of the believers. Place him in the care of Ibrāhīm. Save him by Your mercy from the torment of hell."

"Make him an asset for his parents": Allah shall forgive the parents' sins if they are patient despite losing their child. Allah makes this incident a means of goodness for them.

"A forerunner"- The word "*al-faratu*" is used by the Arabs for the person who brings water to the travellers who arrive at a destination. He is the first to welcome them and quench their thirst. The Prophet ﷺ said, "I am the forerunner to the *hawdh* (pool)."[229]

Muslims supplicate to Allah that the child is a forerunner to Paradise ahead of his parents and that he intercedes with Allah ﷻ for both of them.

"Place him in the care of Ibrāhīm": Since he is a child, he requires a guardian and so Ibrāhīm ﷺ will be his guardian.

"He should pause for a short moment after the fourth *takbīr*": Once the supplication is concluded, he makes the fourth *takbīr*. He pauses for a while before making the *taslīm*. *Taslīm* is a must as this is a prayer and the Prophet ﷺ said, "The prayer commences with *takbīr* and ends with *taslīm*."[230]

"And then make *taslīm* once to the right side": It is authentically reported that the Prophet ﷺ made only one *taslīm* to his right.[231] Some scholars hold the view that the *taslīm* should be made twice, one on each side.[232] Doing so is acceptable though making the *taslīm* once is more authentic.

---

229 Reported by al-Bukhārī (8/148), (9/58) and Muslim (7/68) from the narration of 'Abdullah ibn Mas'ūd.

230 Reported by Ahmad (1/123, 129), Abu Dawūd (61, 618) and al-Tirmidhī (3) from the narration of 'Alī.

231 Reported by al-Dāraqutnī (2/72, 77), al-Hākim (1/360) and al-Bayhaqī in *Sunan* (4/43) from the narration of Abu Hurairah.

232 See *Muntahā al-Irādāt* (1/312).

"He raises his hands with every *takbīr*": Doing so is from the Sunnah of the *janāzah* prayer just as it is a Sunnah in the prayer seeking rain and 'Eid prayers.

متن وواجبُها: قيامٌ وتكبيراتٌ، والفاتحةُ والصلاةُ على النبي ﷺ، ودعوةٌ للميت، والسلامُ

The *wājib* acts are: Standing, the four *takbīrs*, al-Fātihah, salutations upon the Prophet ﷺ, supplicating for the deceased and the *taslīm*.

There are six *wājib* acts in the *janāzah* prayer:

First: "Standing": Since it is an obligatory prayer, standing to perform it is a must unless there are legal excuses that prevent one from doing so. He may sit down to pray.

Second: "Four *takbīrs*": If a person makes less than four *takbīrs*, the prayer is invalid.

Third: "Al-Fātihah": The Prophet ﷺ said, "There is no prayer for he who does not read the opening chapter of the Book,"[233] Since the *janāzah* prayer is a *salāh* and since the Prophet read this *sūrah* when performing the prayer, it is *wājib*. Ibn 'Abbās read it aloud so that, "People will know that it is the Sunnah."[234] It has been reported that a large number of the Companions of the Prophet read it during the *janāzah* prayer. As we mentioned before, this is part of the etiquette of making a supplication (i.e. al-Fātihah contains praise and glorification of Allah). Any supplication that commences with the praise and glorification of Allah is more readily answered.

Fourth: "Salutations upon the Prophet ﷺ": This is also part of the etiquette of making a supplication. It becomes more endearing to Allah and He answers the supplication because of the salutation said upon the Prophet.

Fifth: "Supplicating for the deceased": If a person performs the *takbīrs*, recites al-Fātihah, sent salutations upon the Prophet ﷺ but did not supplicate for the deceased, then his prayer is invalid. The main objective of the prayer is to make supplication for the dead person. We reiterate that if supplication for the de-

233 Reported by al-Bukhārī (11/192) and Muslim (2/8, 9) from the narration of 'Ubādah ibn al-Sāmit.

234 Reported by al-Bukhārī (2/112).

ceased is left out, then the prayer is invalid as the person has not achieved the very objective of the prayer.

Sixth: "And the *taslīm*": If he left the prayer without making *taslīm*, then the prayer is invalid. The Prophet ﷺ said, "The beginning of the prayer is the *takbīr* and the end is the *taslīm*."[235] The Prophet ﷺ and his Companions used to make the *taslīm* to conclude the *janāzah* prayer.

متن ومن فاته شيءٌ من التكبير قَضَاه عـلى صِفَتِهِ

Whoever misses any of the *takbīrs*, must make up for it with similar properties.

"Whoever misses any of the *takbīrs*": If a person joins in late with the *janāzah* prayer, he should make whatever *takbīrs* are left along with the *imām*. Once the *imām* concludes the prayer with the *takbīr*, he makes up the *takbīrs* that he missed. The *takbīrs* are performed as one does while in the prayer. If he missed one *takbīr*, he makes up for one and if he missed more than that, he makes up for that number of *takbīrs* after the *taslīm*. He also reads after a particular *takbīr* whatever is read in the prayer. For example, if he misses only the *takbīratul ihrām*, then he makes up for this *takbīr* after the *taslīm* of the *imām*. He then proceeds to read Sūrah al-Fātihah.

"Must make up for it with similar properties": That is, he must perform it as how he would do when praying the *janāzah* prayer with the *imām*. The point is to observe the sequence of what is read after each *takbīr*. However, if he fears that the deceased will be carried away for burial, he simply makes up for the missed *takbīrs* without reading anything in between them and concludes with the *taslīm*.

متن ومن فاتتْه الصلاةُ عليه صلَّى على قبره وعلى غائبٍ بالنِّيَّة إلى شهر

If a person misses the *janāzah* prayer for the deceased, it may be prayed at his grave site and if he is absent from the country, for a period of one month.

"If a person misses the *janāzah* prayer for the deceased, it may be prayed at

235 Reported by Ahmad (1/123,129), Abu Dawūd (61, 618) and al-Tirmidhī (3) from the narration of 'Alī ibn Abu Tālib.

his grave site": That is, he missed the funeral prayer before the deceased was buried. In this case, he may pray at the deceased's grave. The evidence for this is that the Prophet ﷺ performed the *janāzah* prayer for the woman who used to tidy the *masjid*. He was not informed of her death because those who knew thought that it was inconsequential. When the Prophet asked after her, they replied that she died and was buried the night before. He asked, "Why did you not inform me?" He then asked someone to guide him to her grave and offered the *janāzah* prayer for her there.[236]

In another incident, the Prophet ﷺ stopped whilst passing by a freshly dug grave. He then offered the *janāzah* prayer for that person as he had not performed it before the burial.[237]

He stood in front of the grave, facing the direction of the *qiblah* whilst offering the prayer (i.e. the grave was between him and the *qiblah*). The prayer had all the attributes of the *janāzah* prayer that is performed when the deceased is above the ground.

"And if he is absent from the country": The word absent refers to one who died in a distant land. The residents of his country shall offer the *janāzah* prayer for him or upon his grave if he was already buried in a faraway country. There are differences among the scholars pertaining to whether the *janāzah* prayer is offered for him at his place of residence:[238]

The first view: The *janāzah* prayer is not offered for a person who died in a distant land. Instead it is offered at the place where he died. There were many people who died outside of Madīnah during the lifetime of the Prophet ﷺ but he did not offer the *janāzah* prayer for them as he was satisfied that the Muslims offered it at the place of their demise.

The second view: The *janāzah* prayer can be offered at the country of origin, even when the death occurs overseas. The incident where the Prophet ﷺ of-

236 Reported by al-Bukhārī (1/124) and Muslim (3/56) from the narration of Abu Hurairah.

237 Reported by al-Bukhārī (1/217), (2/92, 109) and Muslim (3/55) from the narration of 'Abdullah ibn 'Abbās.

238 See *al-Mughni'* (3/446) and *al-Insāf* (2/533). Shaykh al-Islam's preferred view was that the *janāzah* prayer should be offered in the absence of the body only if it was never offered anywhere. See *al-Ikhtiyārāt al-Fiqhiyyah* (p. 87).

fered the *janāzah* prayer for al-Najāshi is evidence for it.[239]

The third view: If the person is a layman and not of high status, then it is sufficient that the *janāzah* prayer is offered for him at the place of demise. The prayer is not offered at his hometown. If we decide to offer the prayer for every Muslim who dies overseas, then we will be constantly offering *janāzah* prayers as there are so many Muslims in this world. So many deaths occur every minute. Hence, if the *janāzah* prayer is offered for the deceased, it need not be repeated elsewhere.

However, if he is a man of status and significant to Islam, like a scholar, a *sultān* or the leader of the Muslims, then the *janāzah* prayer is offered in his hometown or elsewhere even if he died in another country. This is in honour of his service to Islam such that he may receive more rewards through the many Muslims who sincerely supplicate to Allah on his behalf whilst performing the *janāzah* prayer.

The Prophet ﷺ offered the *janāzah* prayer over al-Najāshi even though he died in Abyssinia. This was due to his great contribution to Islam. When the Muslims migrated to his country, al-Najāshi welcomed them and was hospitable to them though he was a Christian. He heard the Qur'ān from them and subsequently embraced Islam. He had written correspondence with the Messenger of Allah ﷺ. He had a position in Islam and due to this significance the Prophet ﷺ offered the prayer for him. The *janāzah* prayer in absence of the body (*salāt al-ghayb*) can be offered for the one who is of great importance in Islam such as the scholar, the Muslim leader and the commander of the Muslim army that wages war for the sake of Allah. *Salāt al-ghayb* is offered for them so that it will add to their rewards and in honour of their sacrifice for Islam. As for the general masses among the Muslims, it is not offered for the reasons we mentioned before. Perhaps this is the best of the three views.

"For a period of one month": *Salāt al-ghayb* and the *janāzah* prayer offered at the grave can be performed for a period of one month. It was reported that the latest such prayer offered by the Prophet ﷺ for the deceased was within a month of the person's death. It was reported that he offered the prayer at the grave of Umm Sa'd ibn 'Ubādah one month after her death and this is the

239 Reported by al-Bukhārī (2/92) and Muslim (3/54) from the narration of Abu Hurairah.

longest period reported from him.[240]

To offer *salāt al-ghayb* or the *janāzah* prayer at the grave after the one month period is baseless as there is no evidence to prove its permissibility. Imām Ahmad said, "The latest such period that I have been informed of is a month." This is probably due to the fact that the body would have disintegrated after being buried for a month and in most cases almost nothing would be left of it.

متن

ولا يُصلِّي الإمام على الغالِّ ولا على قاتلِ نفسهِ

The *imām* does not offer the prayer for the one who steals from the war booty or for he who commits suicide.

Janāzah prayer is offered for every Muslim, even for a *fāsiq* who had not practiced Islam when he was alive. In fact, this non-practicing Muslim is given priority for the *janāzah* prayer as he is in dire need of forgiveness from Allah. However, the supreme *imām* and his deputy should not offer the *janāzah* prayer for some criminals as a form of deterrent against those crimes.

"The *imām* does not offer the prayer for the one who steals from the war booty": This refers to the undistributed treasures seized from the enemy after a battle. This theft is among the most abominable sins. Allah says: **{It is not [attributable] to any prophet that he would act unfaithfully [in regard to war booty]. And whoever betrays, [taking unlawfully], will come with what he took on the Day of Resurrection.}**[241]

The Prophet ﷺ informed us that he who steals from the war booty shall carry it with him on the Day of Judgement, "If it was a sheep, then he shall bear the sheep. If it was a camel, then he shall bear the camel on his neck and it will be making noise. Regardless if the animal be a cow or a sheep, it will be making its noise."[242]

240 This hadīth is narrated with a complete (*mawsūl*) chain and a broken (*mursal*) chain of narrators at the level of the Companions. The former was reported by al-Bayhaqī (4/48) while the latter was reported by al-Tirmidhī (1038) from the narration of Sa'īd ibn al-Musayyib.

241 Āli Imrān: 161

242 Reported by al-Bukhārī (2/14), (3/209) and Muslim (6/11) from the narration of Abu Hamīd al-Sā'idy in the incident where Ibn al-Lathabiyah had used the money given in charity.

He will be carrying it as a form of humiliation. Neither the *imām* nor his deputy should offer the prayer for him though the rest of the Muslims shall offer it. He should not be buried without being offered the *janāzah* prayer as he is not a disbeliever.

"Or for he who commits suicide": This is another type of crime that is abhorred. Allah has forbidden anyone to take his or her own life. The Prophet ﷺ said, "A man took his own life. Allah said, 'My slave has pre-empted Me regarding his life which makes Hellfire mandatory for him.'"[243]

The *janāzah* prayer is not offered by the supreme *imām* and his deputy for he who commits suicide. This is to serve as a deterrent for the others not to do this vile act. However, the rest of the Muslims should offer the prayer for the deceased and not deprive him of it.

متن

ولا بأس بالصلاة عليه في المسجد

It is permissible to offer the *janāzah* prayer at the *masjid*.

"It is permissible to offer the *janāzah* prayer at the *masjid*": This is because the Prophet ﷺ offered the *janāzah* prayer for Ibn Baydā at the *masjid* as was narrated by 'Aishah.[244] The Companions offered the prayer for Abu Bakr and 'Umar ؓ at the *masjid*.[245]

However, it is better to offer the prayer outside the *masjid*. There was a place called Musalā al-Janā'iz where the *janāzah* prayers used to be offered during the lifetime of the Prophet ﷺ. It is better to allot a place outside the *masjid* where the *janāzah* prayers are offered. If there is no such place allocated, then it may be offered at the *masjid*.

243 Reported by al-Bukhārī (4/208) and Muslim (1/74) from the narration of Jundub ibn 'Abdullah al-Bajalī with the wording, "There was a man before your time who had a gaping wound. He took his knife and slashed his hand and bled to death. Allah said, 'My slave has pre-empted Me with regards to his life. I forbid Paradise for him.'"

244 Reported by Muslim (3/63).

245 Reported by 'Abdul Razzāq in his *Musannaf* (6576) from the narration of Hishām ibn 'Arwah who said that his father saw people leaving the *masjid* to attend a *janāzah* prayer. He then said, "What are these people doing? Abu Bakr's *janāzah* prayer was only offered at the *masjid*." He also reported the narration of Ibn 'Umar who said, "'Umar's *janāzah* prayer was offered at the *masjid*." (6577)

فصـــل
SECTION

يُسَنُّ التَّرْبيعُ في حَمْله، ويُباح بين العَمودين، ويُسَنُّ الإسراعُ بها، وكونُ المشاةِ أمامَها والركبان خلفها، ويكره جلوسُ تابعها حتى توضع، ويُسجَّى قبرُ امرأةٍ فقط متن

It is Sunnah for four people to carry the deceased. It is permissible for two people to carry him. It is Sunnah to hurry whilst carrying him. Those who are walking should go ahead of him and those who are riding on a mount behind. Those who follow the procession should not sit down until the body is laid in the ground as it is disliked. Only the grave pits of women are covered. *Al-lahd* is better than the burial hole.

"Section": What remains of the rites is the burial itself. Allah says: **{Then He causes him to die, then assigns to him a grave.}**[246]

This is a blessing of Allah upon mankind as He did not render our corpses like the carcass of an animal which is left on the face of the earth to decay. Instead, we are well preserved and then buried in graves. This only underscores the fact that the life of man does not end with death like that of the animals. There is another realm awaiting for him. Death is but a transit in a journey. A transit that takes one from the realm of this world to the realm of *al-barzakh* (life of the grave). It is called *al-barzakh* in Arabic as it alludes to a partition or barrier. Allah says: **{Between them is a barrier [so] neither of them transgresses.}**[247] That is, there is a *barzakh* (barrier) between the two seas. The two seas will not mix with one another. Likewise, the grave is a barrier: **{And before them is a**

246 'Abasa: 21

247 Al-Rahman: 20

barrier until the day they are raised.}[248] That is, there will be a barrier between this world and the Hereafter.

There exists another realm after death. Hence, we are preserved and buried in anticipation of it. Even if man is reduced to dust and bones in the grave, he shall be resurrected on the Day of Judgement: **{He says, "Who will give life to bones while they are disintegrated?" Say, "He will give them life who produced them the first time; and He is, of all creation, Knowing."}**[249]

Man will be re-created from decayed flesh and dust. Allah is able to do anything. The grave is a blessing endowed upon mankind and his corpse is treated much better than the carcass of dogs and lions.

The deceased has to be transported from the place of demise to the cemetery. Therefore, the author mentions the method to do it. The deceased is placed on a bed or stretcher and carried on the shoulders of men.

"It is Sunnah for four people to carry the deceased. It is permissible for two people to carry him": Each of the four men should carry the corner poles. Two men can do it. One places both corner poles on both sides of his shoulders while the other does the same on the opposite end. It is *mustahabb* that the people carrying the deceased are rotated so that one and all gets the chance and reward of this act.

The men should also switch between corner poles. That is, if he is carrying the right poles at the front, he should switch over to the left. When that is done, he moves to the rear poles, switching between the two. This is to be done only if it is convenient to do so.

If there is a large crowd with not much space, then he may carry it all the way to the grave remaining at the same position. It is better to carry the deceased upon the shoulders even if the distance to the cemetery is far. This is very rewarding for those who are carrying the body and those walking alongside them.

However if there is a need for the body to be transported in a vehicle then it

248 Al-Mu'minūn: 100

249 Yasīn: 78-79

is okay. An example being that the distance is very far, though we must state again that if it is possible to carry the body upon the shoulders then it is the best option. This is because it makes the funeral a means of attaining reward for the carriers of the body and the procession who follow it.

"It is Sunnah to hurry while carrying him. Those who are walking should go ahead of him and those who are riding on a mount behind": The walking speed should be moderate. They should not walk too slowly nor too fast. They should not jog to the cemetery as it will adversely affect the deceased's body. They should not stroll casually too as this is the practice of the innovators in the present era. The Prophet ﷺ said, "Hurry with the body and if he was pious, you are expediting him to goodness and if he was otherwise, the sooner you will remove the burden off your shoulders."[250] Hence, the walking speed should be moderate.

Those following the body on the journey to the cemetery should not yell and cause a uproar whilst walking there as the innovators do. Shouting "*Lā ilāha illallah*", reciting supplications and chanting in a raised voice are not permissible. There should be no yelling or shouting when the body is being transported. There should be silence and calmness instead. Those riding the mounts should be at the rear of the contingent and those walking should be ahead of them. The Companions used to do so in this manner.[251] Burning torches should not be used whilst transporting the body unless there is a need for a light source. The presence of fire is disliked during this penultimate stage of the funeral rites.

There are three types of people who bid farewell to the deceased:

First: Those who offer the *janāzah* prayer and then depart.

Second: Those who offer the prayer and follow the body until it is laid in the grave and then depart.

250 Reported by al-Bukhārī (2/108) and Muslim (3/50) from the narration of Abu Hurairah.

251 Ibn al-Qayyim mentioned in *Zād al-Ma'ād* (1/5117): "The Prophet ﷺ used to follow the bier to the cemetery, walking ahead of it, every time he offered the *janāzah* prayer. This was the Sunnah of the rightly-guided caliphs also." This has also been reported in a number of narrations by 'Abdul Razzaq in his *Musannaf.*

Third: Those who offer the prayer, follow the body until it is laid in the grave and wait for the burial to be over, remaining to seek forgiveness for the deceased and then depart.

The third type is the best. He who offers the prayer for the deceased, follows the body to the cemetery. Waits for the burial to be over and then seeks forgiveness from Allah on behalf of the deceased and supplicates for him to be firm when the questioning begins. This is the best way to honour our dead and brings forth the most reward for the one doing so. Those who partake in the funeral rites albeit partially, are rewarded based on the extent of their participation. Allah says: {**Surely Allah does not waste the reward of the good-doers.**}[252]

"Those who follow the procession should not sit down until the body is laid in the ground as it is disliked": The Prophet ﷺ forbade those who follow the procession to sit down until the body is placed on the ground.[253] One may sit before the burial is done, however as long as the body is being carried, those who follow it to the cemetery should not sit down.

"Only the grave pits of women are covered": The grave is covered until the body is placed therein. It is covered to respect the woman's *awrah*. As for the grave of men, it is not covered. 'Alī ؓ saw a group of people curtaining off the grave of a dead man. He took the curtain away from them saying, "This is only done for women."[254]

"*Al-lahd* is better than the burial hole": *Al-lahd* is the burial pit that includes a tapered hole at the bottom of it. It is tapered to the side facing *qiblah*. The taper is the length of the grave and should fit the body. *Lahd* in Arabic means to lean towards. This is due to the fact that the deceased is tilted facing the *qiblah*. The burial hole is the pit dug to bury the body without the tapering.

It is better to include the taper at the bottom of the pit as the Prophet's grave included it. The city of Madīnah used to have a person who dug the burial hole and another who dug *al-lahd*. The people use to say: "He who arrives first at

252 Hud: 115

253 Reported by al-Bukhārī (2/107) and Muslim (3/57) from the narration of Abu Sa'īd al-Khudrī.

254 Reported by al-Bayhaqī in *al-Sunan al-Kubrā* (4/54).

the burial site shall dig that which he specialises in." The first to arrive was he who digged *al-lahd* and so the Prophet's grave had a taper at the bottom of the burial hole.[255]

This is proof that *al-lahd* is better as Allah chose it for His Prophet ﷺ who said in a hadith, "*Al-lahd* is for us and the burial hole is for them."[256]

However, burying a Muslim in a burial hole is permissible, especially if the circumstances permit only that. If the grave walls cave in and do not stay in place, then a burial hole is dug and the walls are lined with baked clay or bricks such that the hole is still big enough to place the body in. A taper cannot be constructed in such a hole. If the walls are firm, digging *al-lahd* is better.

متن ويقول مُدخِلُه: بسم الله وعلى مِلَّة رسول الله، ويضعه في لَحْده على شِقِّه الأيمنِ مستقبلَ القِبلة، ويُرفعُ القبرُ عن الأرض قَدر شِبْر مُسَنَّماً

The person who lowers the body into the grave says, "*Bismillahi wa 'alā millati rasūli allahi.*" Then the body is placed on its right side facing the *qiblah*. The grave is raised by a hand span from the ground level with the apex in the middle.

"The person who lowers the body into the grave says": The above mentioned means, "In the name of Allah and on the creed of the Messenger of Allah," and it is said whilst placing the body in the *lahd*. It can be interpreted as, "In the name of Allah, we place you in the grave and according to the creed of the Messenger of Allah, we bury you."

"Then the body is placed on its right side facing the *qiblah*": In the position that a person sleeps. It is *mustahabb* that one sleeps on his right side. The Sunnah of the dead is similar to the Sunnah of the living. To face the deceased in the direction of the *qiblah* is *wājib* whilst placing him on the right side is only *mustahabb*. The Prophet ﷺ said regarding the Ka'bah: "It is the *qiblah* for your living and dead."[257]

---

255 Reported by Ahmad (3/139) and Ibn Mājah (1557) from the narration of Anas ibn Mālik.

256 Reported by Abu Dawūd (3208), al-Tirmidhī (1045), al-Nasā'ī (4/80) and Ibn Mājah (1554) from the narration of 'Abdullah ibn 'Abbas.

257 Reported by Abu Dawūd (2875), al-Nasā'ī (7/89) and al-Hākim (4/259-260) from the narration of 'Umayr ibn Qatādah.

"The grave is raised by a hand span from the ground level": When the body is placed in the *lahd* as described above, the *lahd* is concealed with bricks placed on the edge of the taper. Gaps between the bricks are covered up with clay and clods of earth. It is so tightly packed that it should prevent earth falling atop of the body. Later, earth is thrown into the grave to complete the burial.

The grave is raised from ground level by a span of the hand so that it can be identified as a grave and not desecrated. If the grave was level to the ground, none would know of its existence there and it might be stepped upon and the ground might even be dug up a second time. This displays the wisdom behind raising the grave by a hand span.

The Prophet's ﷺ grave was also raised by a hand span from the ground,[258] a practice he carried out for his Companions as well. However, it should not be raised more than a hand span as the Prophet ﷺ forbade it. It symbolises veneration and paves the way for *shirk*. The ignorant ones may be endeared to it. Hence, the grave should never be raised more than a hand span.

Building a structure atop the grave is worse. The Prophet ﷺ forbade this.[259] He ﷺ informed us that this was the habit of the Jews and Christians and this habit led them into associating partners with Allah in worship.[260]

Therefore, no structures should be built atop a grave and the grave itself should not be raised more than a hand span from the ground level. It is a kind of veneration which leads to *shirk*. The Prophet ﷺ said, "Do not leave any grave that is raised but level it."[261] That is, raised by more than a hand span.

"With the apex in the middle": The middle of the grave is made higher than both the ends. This is so that rain water does not collect atop the grave but flows off it. The grave might be affected if water collects atop of it.

258 Reported by Ibn Hibbān (6635) and al-Bayhaqī (3/410) from the narration of Jābir.

259 Reported by Muslim (3/61, 62), Ahmad (3/295), Abu Dawūd (3225), al-Tirmidhī (1052) and al-Nasā'ī (4/86) from the narration of Jābir.

260 Reported by al-Bukhārī (66/63-64) and Muslim (2/66) from the narration of 'Aishah.

261 Reported by Muslim (3/61), Ahmad (1/96, 128), Abu Dawūd (3218) and al-Nasā'ī (4/88) from the narration of 'Alī ibn Abī Tālib.

ويُكره تجصيصُه والبناءُ والكتابةُ والوطءُ عليه، والاتكاءُ إليه متن

Plastering the grave or to set inscriptions on it are disliked as is erecting a structure atop of it, sitting, treading or leaning on it.

These acts were forbidden by the Prophet ﷺ at the grave as it will pave the way for people to associate partners with Allah or will amount to desecrating the grave. These acts are:

First: Plastering the grave is prohibited. The word *yukrahu* (disliked) was considered by the predecessors as referring to prohibition. Graves are plastered with gypsum, caustic lime or other materials in order to decorate it. Since it is overindulgence and promotes ignorant people's reliance on the grave, it is forbidden. If a grave is nondescript like the rest of the graves in the cemetery, it will not be enshrined nor considered significant compared to other graves.

Second: To set inscriptions on the grave is prohibited. The name of the deceased, the date of demise or even *ayāt* of the Qur'ān or supplications should not be inscribed unto the grave. In fact nothing at all, not even letters should be inscribed upon the grave. The Prophet ﷺ forbade this practice.[262]

"Plastering the grave or to set inscriptions on it are disliked as is erecting a structure atop of it, sitting, treading or leaning on it": All of these acts are forbidden. Plastering as well as any other modification to the grave that gives a similar affect is forbidden.

Third: Erecting a structure atop of the grave is extremely dangerous. Erecting a dome or room above the grave shall pave the way for *shirk*. Past generations were destroyed due to the practice of erecting structures atop the graves of the pious and righteous servants of Allah. When Umm Salamah related what she had seen in Abyssinia of Christian churches and the images they contained to the Prophet ﷺ he said, "When a pious servant died in their midst, they built a temple atop of his grave and drew images upon it. They are the worst of creation to Allah."[263] Hence the Muslims were prohibited from doing likewise as this leads to *shirk*.

262 Reported by al-Tirmidhī (1052), al-Nasā'ī (4/86) from the narration of Jābir. There is a similar hadīth in Muslim but the forbiddance of inscription on the grave is not mentioned.

263 Reported by al-Bukhārī (6/63-64) and Muslim (2/66) from the narration of 'Aishah.

Fourth: Sitting and standing upon the grave is forbidden. It is tantamount to sacrilege. The grave should not be trod upon either. The *dīn* of Islam is a moderate and just one. The guidance it provides pertaining to the grave is like the guidance it provides for all other aspects of the *dīn*. The moderate approach it promotes strikes a balance between respect of the grave and its neglect. Plastering the grave, setting inscriptions on it, adorning it with lamps or electric flash lights are overindulgence that leads one to *shirk*.

Sitting atop the grave, stepping and leaning on it and striking it with an object are means of disrespecting the deceased. The rights accorded to the dead Muslim are similar to that of the living person. Therefore it is not permissible to desecrate the grave or to harm it in any way. Instead it should be well-maintained. This is the justice propagated in Islam. The grave is not venerated or desecrated. It should be given the respect that is in between overindulgence and desecration and between excessive upkeep and total neglect. This is the guidance offered by Islam with regards to graves.

Some people venerate the grave by decorating it with inscriptions and a cover just like the covering on the Ka'bah. They leave coin boxes there for people to donate money into. Wordings are written on pieces of paper and cloth which are sold to those who visit the grave. People buy it in the hope these scraps of paper and cloth will help to fulfil their needs or repel evil from them. These are examples of *shirk* at its worst form (*shirk akbar*). Those who have these false beliefs leave the fold of Islam. These are grave worshippers who exist in abundance nowadays just as they were present in the past. This perseverance upon the graves does not seem to disappear and Allah's refuge is sought! Associating partners with Allah, overindulgence and excessiveness are all acts of falsehood.

On the other hand, there are those who desecrate the graves and have no qualms doing so. They strike at the graves with objects, dump rubbish on them, let sewage flow over them and other such despicable acts. This is sacrilege of the graves and brings disrepute to the deceased. The Prophet ﷺ said, "It is better for one of you to sit on heated coal which eats into his clothes and reaches the skin than to sit atop a grave."[264]

There is a group of people who level the graves and build houses on this land. Some others cultivate the land and divide it into plots to create farms or into

264 Reported by Muslim (3/66) from the narration of Abu Hurairah.

plots of landed property. All of these matters from the desecration of graves are forbidden in Islam as is the veneration and overindulgence with regards to the graves.

The cemetery should be fenced along its periphery so that there is no trespassing by people or animals. The area should be supervised so that there is no illegal dumping carried on the land. This is the guidance that Islam offers to the Muslim which is the true guidance that is moderate and just. It is a guidance that pervades all facets of man's life that liberates him from overindulgence as well as apathy.

متن ويَحْرُم فيه دفنُ اثنين فأكثر إلا لضرورة، ويجعل بين كل اثنين حاجزٌ من تراب

Burying two or more bodies in one grave is forbidden except in emergency cases. A partition of dust or soil is made separating the bodies.

"Burying two or more bodies in one grave is forbidden except in emergency cases": Among the rules of burial is that each body is allotted a grave. The same spot should not be dug up again to bury another unless the previous corpse has totally disintegrated into the earth and there is nothing left of him. In this case, it is permissible to bury another body at that very spot. If however any parts of his skeleton are present, then no burial should be carried out at that spot. The general rule is that a grave should not be dug up expressly to bury another body. This will crush the corpse already in the grave and constricts his space. Since he is the predecessor, the grave is rightfully his. The grave is the abode of the deceased which was endowed to him.

The *asl* is that only one body is buried in each grave as was the practice of the Prophet ﷺ, when he carried out burials in the Baqi' cemetery. He never buried two or more bodies in one grave at Baqi'. Doing so is forbidden unless there is a dire need to do so or in times of emergency. The Prophet ﷺ buried two or more bodies in one grave after the Battle of Uhud. Many Companions were martyred in that battle and there were countless wounded. Most of those who survived were too weak to dig up a separate hole for each martyred companion. Therefore, the Prophet ﷺ ordered them to place two or three of those who were martyred in a single grave[265] so as to lift the burden from the Muslims. This was only due to the predicament they were in. In times of peace and se-

265 Reported by al-Bukhārī (2/115) from the narration of Jābir ibn 'Abdullah.

curity, he ﷺ did not bury more than one body in a grave.

"A partition of dust or soil is made separating the bodies": When it becomes necessary to bury two or three bodies in one grave, they should not be placed in a manner where they come into contact with each other. Instead, a partition made of earth is made between them so that they are separated and confined to their own personal space.

متن ولا تُكره القراءةُ على القبر، وأيُّ قُربةٍ فَعلها وجعلَ ثوابها لميتٍ مسلمٍ أو حيٍ نفعه ذلك

Reading at the grave is not disliked. All pious deeds that are done and dedicated to the Muslim who is alive or deceased, benefits that person.

After the burial process is completed. It is recommended for the Muslims to stand near the grave facing the *qiblah* and supplicate for the deceased to be firm when the questioning begins. They also invoke Allah's forgiveness on his behalf. When the burial of one of the Companions was complete, the Prophet ﷺ said, "Seek Allah's forgiveness for your brother and ask that he be made firm for he is being questioned now."[266] That is, questioned by the two angels.

Allah said to His Prophet, **{And never offer prayer for any one of them who dies and do not stand by his grave.}**[267] This ayah refers to praying for the hypocrites after their burial. This is proof that the Muslims should stand at the grave of the deceased and supplicate for him. This is Sunnah and a duty Muslims accord to each other. Authentic reports mention that the Messenger of Allah sought forgiveness for the deceased and supplicated that Allah make him firm during the questioning and he ﷺ ordered the Muslims to do likewise.

"Reading at the grave is not disliked": Nothing has been reported from the Prophet ﷺ pertaining to the recital of the Qur'ān at the grave. He ﷺ said, "Whoever invents something new in our affair that which is not a part of it will have it rejected."[268] He also said, "Beware of the innovations in this affair."[269] Hence according to the Sunnah, the Qur'ān should not be recited

266 Reported by Abu Dawūd (3221) from the narration of 'Uthmān ibn Affān.

267 Al-Tawbah: 84

268 Reported by al-Bukhārī (3/241) and Muslim (5/132) from the narration of 'Aishah.

269 Reported by Ahmad (4/126), Abu Dawūd (4607) and al-Tirmidhī (2676) from the narration of al-'Irbād ibn Sāriyah.

while the deceased is being buried nor after the burial. This is an act often practiced by the innovators who gather together and recite the Qur'ān at the grave. They even come back to the grave to repeat this ritual time to time. This is a clear innovation which does not benefit the deceased.

"All pious deeds that are done and dedicated to the Muslim who is alive or deceased benefit that person": The general truth is that the deceased will only benefit from the good deeds he did while he was alive. Allah says: **{And that man shall have nothing but what he strives for.}**[270]

Unless there is evidence to prove that another person's deed will benefit the deceased. The Prophet ﷺ said, "When the son of Adam dies, all his deeds are severed except three. The charity he gave, the knowledge with which he benefited others and the pious son who supplicates for him."[271] The *waqf* endowment shall remain after him. The knowledge he distributed, the students whom he taught or the books that he authored shall exist after his death, bringing forth rewards. Also his righteous son who supplicates to Allah on his behalf benefits him even after death. These survive him and benefit after death based on the hadīth.

Whenever the Prophet ﷺ used to pass by graves he would supplicate for them, which will be explained in detail later.

Graves are visited so as to supplicate for the deceased. This is legislated in Islam. This supplication benefits the deceased as there is evidence for it.

Giving charity on behalf of the deceased does benefit him. There is evidence for this too. S'ad mentioned to the Messenger of Allah ﷺ that his mother had passed away and she had not spoken to him. Had she spoken she would have bequeathed a sum for charity. S'ad then asked, "Can I give charity on her behalf?" The Prophet ﷺ replied, "Give charity on behalf of your mother."[272]

The same applies to performing Hajj and 'Umrah for the deceased. There is evidence to show its permissibility. The Prophet ﷺ said, "Perform Hajj and

270 Al-Najm: 39

271 Reported by Muslim (5/73), Ahmad (2/372), Abu Dawūd (2880), al-Tirmidhī (1376) and al-Nasā'ī (6/251) from the narration of Abu Hurairah.

272 Reported by al-Bukhārī (2/127), (2760) and Muslim (3/81) from the narration of 'Aishah.

'Umrah on behalf of your father."[273] It includes the first mandatory Hajj or the optional Hajj.

There is evidence to prove that these acts can be performed and the rewards dedicated to the deceased. However, we must avoid dedicating any act for which there is no evidence to prove its permissibility. In fact no action is to be done and credited to Islam without evidence from the Qur'ān and Sunnah of the Prophet ﷺ.

متن ويُسن أن يُصنَع لأهل الميت طعامٌ يبعثُ به إليهم ويُكره لهم فعلُه للناس

It is Sunnah to prepare meals for the bereaving family and deliver it to them. It is disliked that the bereaving family provide food for the people.

"It is Sunnah to prepare meals for the bereaving family and deliver it to them": To care for the bereaving family after the burial is completed is something legislated in Islam. Since they are afflicted with a loss, it is legislated for the Muslim community to look after their immediate needs as a way towards consoling their misery. One may prepare meals for the family according to their needs for they will be too distraught to think of cooking for themselves. When news reached the Prophet ﷺ of Ja'far ibn Abi Talib's ؓ demise, he said, "Prepare for the family of Ja'far their meals for indeed they will be preoccupied."[274] That is, with grief. Meals are prepared according to the needs of the bereaved family. Excessive preparation is not necessary as the evidence alludes to this. Doing so results in wastage which is prohibited in Islam.

We have observed that in some countries food is brought to the bereaving family by many people, so much so that the food begins to pile up. The family would not have need for so much food and there is no reason for the people to prepare that much food. This is sheer wastage. Instead the meals prepared should be restricted to the amount required for the bereaving family. This is the guidance shown in the Sunnah.

"It is disliked that the bereaving family provide food for the people": As there

273 Reported by Ahmad (4/10-12), Abu Dawūd (1810), al-Tirmidhī (930) and al-Nasā'ī (5/117).

274 Reported by Ahmad (1/205), Abu Dawūd (3132), al-Tirmidhī (998) and Ibn Mājah (1610) from the narration of 'Abdullah ibn Ja'far.

is no report of this from the Sunnah of the Prophet ﷺ. In fact, this contradicts the Sunnah which ensures that others prepare meals for the bereaved rather than the opposite.

Apart from preparing meals for the bereaved family, it is Sunnah to send them condolences. It is Sunnah to do so before or after the burial, when you meet the bereaving family member at his home, on the street, at the *masjid* or cemetery. It is Sunnah to say, "*Ahsana allahu 'azā'aka, wa jabara allahu musībataka, wa ghafara li mayyatika.*" (May Allah make perfect your bereavement, replace your misery and forgive your departed.)[275]

As mentioned in various *ahādīth*. This condolence comprises of supplication for the living and the deceased. There is also care and concern for the bereaving family. Setting aside a holiday for mourning, turning flags upside down and wearing only black clothes are acts of the days of ignorance and thus forbidden.

The bereaving family members should not discontinue their jobs. Instead they should carry on with their work and their effort to make a living. If he has a store, then he should open for business as usual. Those who are employed should not miss their work schedule. Death should be understood as a natural process Allah has set in humans. However, if one quits his job to sit at home mourning, it displays sorrow. Whereas carrying on with his normal daily work routine is actually a manifestation of his patience and forbearance.

275 This hadīth has a *mawqūf* chain of narration as reported by al-Tabarānī in *al-Mu'jam al-Kabīr* (22/96) from the narration of Sanān, the *mawlah* of Wāthilah.

فصـــل
SECTION

تسن زيارة القبور إلا للنساء

متن

It is Sunnah to visit the graves except for women.

"Section": This section is related to the laws pertaining to the dead in relation to visiting their graves. They have rights that should be fulfilled by their Muslim brethren. Since they are confined to the grave, the rest of the Muslims should supplicate for them and send *salām* upon them.

"It is Sunnah to visit the graves": The Prophet ﷺ said, "Visit the graves for it reminds you of the Hereafter."[276]

Visits to the graves can be classified into two types: (i) visits that are legislated in Islam, (ii) and visits that are innovations in Islam.

The visit that is legislated in Islam is carried out to for the purpose of sending *salām* to the people of the graves and supplicating for them. It also serves as a self-reminder. However, the visit that is an innovation in Islam is carried out expressly for a vested interest namely to be blessed by, to seek help from and in devotion to the graves. These types of visits are strictly forbidden in Islam.

"Except for women": It is not a Sunnah for women to visit the grave as the Prophet ﷺ said, "The women who visit the graves are cursed as are those who

276 Reported by Muslim (3/65), Ahmad (5/356, 359), Abu Dawūd (3235) and al-Tirmidhī with his own wording (1054) from the narration of Buraydah ibn al-Hasīb.

build *masjids* and lamps on top of graves." This hadīth was reported by Imām Ahmad with a chain of trusted narrators[277] as pointed out by the author.

If an act invokes curse, then it is surely forbidden. It alludes to the fact that it is indeed a major sin. Women visiting the graves is a major sin. They should not do so as women are naturally weak. If she were to see her son's grave or her relative's grave, she will be adversely affected. Perhaps it might make her wail in despair. Furthermore, the woman is *awrah*. What if she goes there and thugs loitering there seize the opportunity to attack her? Women should not visit the graves for the Prophet ﷺ forbade them to do so. A believing woman will refrain from doing something that the Prophet ﷺ has forbidden.

Some lay people or those who claim to have knowledge say that it is permissible for women to visit the graves. We reply to them with the words of the Prophet ﷺ, "The women who visit the graves are cursed." Some others say that there are disputes among the scholars in this issue. We reply to them by pointing out that a scholar's opinion should not be give precedence over the Prophet's words. We shall not subject ourselves to the disputes. We shall adhere to the words of the Messenger ﷺ, "The women who visit the graves are cursed." The hadīth is authentic with a chain of trusted narrators.

If they claim that 'Aishah had visited the grave of her brother 'Abdul Rahmān,[278] we reply to them that this was an action by a companion of the Prophet in contradiction to his ﷺ words. We can conclude that 'Aishah did not know of the hadīth that forbade women from visiting graves. She did it on her own accord. Perhaps she knew of the hadīth but thought she was exempt from the prohibition. This was her own formulated judgement (*ijtihād*) to visit the grave. However, the evidence is based on the sayings of the Prophet, not the *ijtihād* of a companion or others.

If they quote Umm 'Atiyah who said, "We were prohibited from visiting graves but this prohibition was not binding upon us."[279] We reply that we suffice with her statement, "We were prohibited from visiting graves." Perhaps her saying, "This prohibition was not binding upon us" was an *ijtihād* on her part. Just as

277 Reported by Ahmad (1/229), Abu Dawūd (3236), al-Tirmidhī (320), al-Nasā'ī (4/94-95) and Ibn Mājah (1575) from the narration of 'Abdullah ibn 'Abbās.

278 Reported by al-Tirmidihi (1055), 'Abdul Razzāq (6711) and al-Hākim (1/176).

279 Reported by al-Bukhārī (2/99), Muslim (3/47).

'Aishah's *ijtihād* cannot be given precedence over the sayings of the Prophet ﷺ, Umm 'Atiyah's *ijtihād* cannot be used as evidence for the permissibility of women visiting graves.

If they argue that the Prophet's exhortation to visit graves is general and so includes women as well, we reply that the word "*zūrū*" (visit [plural, masculine form]) in the hadīth is specific for the male gender. Furthermore, in the hadīth which forbids women, the word "*zā'irāt*" (feminine form of visitor) is specific for the female gender.

They might quote the incident when the Prophet ﷺ passed by a woman who sat crying by the grave. He addressed her saying, "O slave of Allah! Be patient..."[280] but he did not forbid her from visiting the grave. He ﷺ only told her not to despair. We reply by saying that this incident preceded the hadīth that forbids women from visiting graves in terms of chronological order. Later on, the permissibility was abrogated.

The hadīth, "The women who visit the graves are cursed," is the determining factor of this whole dispute. That is, for those who are seeking the truth. Those seeking perversion will not be satisfied with this hadīth. Every time you confront them with it, they circumvent. The solution to the dispute is the hadīth of the Prophet ﷺ. Allah says: **{And if you disagree over anything, refer it to Allah and the Messenger, if you should believe in Allah and the Last Day. That is the best [way] and best in result.}**[281]

The prohibition for women to visit graves encompasses all. Be it the grave of the Prophet ﷺ the graves of the Companions or that of others, they are forbidden to visit them for the hadīth does not exempt any particular grave. Hence it is a total prohibition.

متن **ويقول إذا زارها أوِ مَرَّ بها: السلام عليكم دارَ قوم مؤمنين، وإنـا إن شاء الله بكم للاحقون، يرحم اللهُ المُسْتقدِمِين منكم والمستأخِرين نسأل الله لنا ولكم العافية، اللهم لا تحرِمْنا أجرَهم، ولا تَفْتِنَّا بعدهم، واغفرْ لنا ولهم**

280 Reported by al-Bukhārī (2/93, 99) and Muslim (3/40,41) from the narration of Anas ibn Mālik.

281 Al-Nisā: 59

When visiting or passing by the grave, say, "*Al-salāmu 'alaykum dāra qawmin mu'minīn, wa innā inshā'allāhu bikum lalāhiqūn, yarhamu Allāhu al-mustaqdimīna minkum wa al-musta'khirīn, nas'alu allāha lanā wa lakum al-'āfiyah. Allāhumma la tahrimna ajrahum wa lā taftinnā ba'dahum wa-ghfir lanā wa lahum.*" (Peace be upon you, inhabitants of the dwellings who are of the community of the believers. If Allah wills we shall join you. May Allah show mercy on those who departed from the early and those of the last generation. We ask strength from Allah for us and for you. O Allah, do not deprive us of their reward and do not put us to trial (after them), forgive us and them.)

This supplication has been reported authentically from the Messenger ﷺ.[282] Why did the Prophet ﷺ say, "If Allah wills" when death is inevitable as is the joining with the deceased?

The answer to this question is that perhaps it was included to seek the blessings of Allah as in the ayah: **{You shall most certainly enter the Sacred Masjid, if Allah wills, in security.}**[283]

It is also said that the words were included in the hope that one will die whilst being a Muslim as no one knows what is destined for him.

متن ويجوز البكـاء على الميت وتُسَنُّ تعزيةُ المصابِ بالميت ويَحرمُ النَّدْبُ والنِّياحةُ وشَقُّ الثوب ولَطْمُ الخدِّ ونحوه

It is Sunnah to send condolences to the bereaving family. It is permissible to cry for the deceased but mourning, wailing, tearing of clothes, slapping of cheeks and the like is forbidden.

"It is Sunnah to send condolences to the bereaving family": This point has been explained.

"It is permissible to cry for the deceased but mourning, wailing, tearing of clothes, slapping of cheeks and the like is forbidden": Sorrow cannot be con-

282 Reported by Muslim (3/63, 64) and Ahmad (6/221).

283 Al-Fath: 27

tained by man. The Prophet ﷺ also wept.[284] However, what should be contained is loud wailing for the deceased. One may recall the deceased's goodness when he wails and laments at his passing. This reflects a lack of patience and is a deed that was prevalent during the days of ignorance (*jāhiliyah*).

Mourning may be in a verbal form like when one raises his voice in lament or it could be in a physical form like when one slaps his own cheeks, tears clothes that he is wearing and uttering mournful words of *jāhiliyah*. These acts are all major sins in Islam.

There is a severe warning for those who wail for the deceased. The Prophet ﷺ said, "The deceased is tortured in the grave when he is wailed for his death."[285] It is the deceased who suffers as a result of the wailing. Hence, wailing and excessive mourning should be avoided at all costs.

284 Reported by al-Bukhārī (2/105) and Muslim (7/86) from the narration of Anas ibn Mālik, who recounted the Prophet's sadness when his son, Ibrāhīm, was in the throes of death. When asked why he was crying the Prophet ﷺ said, "O Ibn Awf, this is mercy," And added, "Verily the eyes tear and the heart is broken but we only say what pleases our Creator. We are saddened by your departure O Ibrahim.

285 Reported by al-Bukhārī (2/103) and Muslim (3/41) from the narration of 'Umar ibn al-Khattāb.

كتاب الزكاة
THE BOOK OF ZAKĀT

"The Book of *Zakāt*": After elaborating on the laws of prayers, which is the second pillar of Islam, the author shifts his focus to the next pillar which is *zakāt* (mandatory tithe). *Zakāt* is always mentioned alongside prayer in the Book of Allah. It has been mentioned in this manner eighty-two times in the Qur'ān. This underscores the importance of *zakāt* in Islam.

The linguistic meaning of *zakāt* is purification.[286] Allah says: **{He it is Who raised among the unlettered a Messenger from among themselves, who recites to them His verses and purifies them.}**[287]

That is, purify them from disbelief and bad manners. An *athar*[288] mentions that, "*Zakāt* (purification) of the ground is achieved when it is dried."[289] That is, when it is made moist with impurities, drying it in the sun will cleanse it.

The term *zakāt* may also refer to growth and an increase as it literally increases someone's wealth even as he gives his money away.[290] The Prophet ﷺ said,

---

286 See *Lisān al-'Arab* (14/358).

287 Jumu'ah: 2

288 "*Al-Athar*: It is specific to what was attributed to other than him ﷺ, such as the Companions, the Tabi'īn or those who came after them." See A Commentary on the Poem al-Bayquniyyah (p. 59).

289 Reported by Ibn Abi Shaybah in his *Musannaf* (1/59) with a *mawqūf* chain of narrators.

290 Mentioned in *al-Matla'*. The technical definition is, "A specific thing given away in a specific amount from a specific sum of monies for a specific group of people." (p. 122)

"The amount given away in charity does not decrease (a person's) wealth."[291] It in fact increases it. Therefore, *zakāt* is defined as purification from physical as well as spiritual filth and impurity. It is also defined as growth, an increase and a blessing.

There are different types of *zakāt*:

First: Purification of the soul. Allah says: **{And the soul and Him Who proportioned it. Then He inspired it to understand what is right and wrong for it. He will indeed be successful who purifies it.}**[292] Purifying the soul from shirk, disbelief, sin and bad manners. Allah also says: **{Take alms out of their wealth, you would cleanse them and purify them thereby.}**[293] The soul is to be purified of miserliness and greed.

Second: Purification of the physical self. The body is cleansed by giving *zakat al-fitr* in the month of Ramadān. The Prophet ﷺ made it obligatory stipulating the amount, "A *sa'* of staple food that could be wheat, dates, barely or cheese [made obligatory] upon the young and old, male and female, free man and slave."[294] This is the *zakāt* for the physical self.

Third: *Zakāt* on wealth. This type of *zakāt* is a pillar from the pillars of Islam. It is closely associated with the prayer. Allah has made it an obligation upon all Muslims after the *hijrah* (migration) of the Prophet ﷺ to Madīnah. It is a great obligation with much significance in Islam.

The Prophet ﷺ said to Mu'ādh ibn Jabal ؓ before he was dispatched to Yemen, "Verily, you are going to meet the People of the Book. So the first thing you should invite them to is to declare that there is none worthy of worship except Allah and that Muhammad is the messenger of Allah. If they accept it, inform them that Allah has made it an obligation upon them the five prayers in a day and night. If they accept it, inform them that Allah has made it an obligation

291 Reported by Ahmad (4/231) and al-Tirmidhī (2325) from the narration of Abī Kabshah al-Anmārī. It is reported in Muslim (8/21) from the narration of Abu Hurairah.

292 Al-Shams: 7-9

293 Al-Tawbah: 103

294 Reported by al-Bukhārī (2/161, 162) and Muslim (3/69) from the narration of Abu Sa'īd al-Khudrī.

upon them charity which is collected from their rich and given to their poor."[295]

Zakāt was made obligatory on Muslims only after the migration of the Prophet ﷺ who insisted that the Muslims abide by this injunction. He ﷺ sent out messengers to collect the *zakāt* from the wealthy and sent evaluators to the plantations to approximate the potential value of wealth so as to calculate the *zakāt* due on the owners.

All this effort highlights the importance of *zakāt*. It is *wājib* upon the leader of the Muslims to take it seriously and implement it, ensuring that all Muslims upon whom *zakāt* is due comply. He should not be lackadaisical about this obligation.

He who refutes the obligation of *zakāt* has disbelieved in Islam and is considered an apostate. This is because he has belied Allah and His messenger. Furthermore, it is essential that every Muslim know that *zakāt* is an obligation in the *dīn*. It may arise that a Muslim assumes that *zakāt* is something good and so it is *mustahabb*. Hence, he who wishes can pay *zakāt* and he does not wish to do so need not pay *zakāt*. Such an assumption will make him a disbeliever in Islam and he is considered an apostate.

However, he who accepts that it is obligatory but refuses to pay the *zakāt* due to miserliness, then the obligation of *zakāt* is reiterated to him. The leader of the Muslims must ensure that he complies with this obligation. If he still refuses, the leader of the Muslims takes it from him forcibly and reprimands him for his failure to oblige. If those who refuse to pay *zakāt* have military might, the leader of the Muslims shall wage war against them to make them comply with the obligation. Abu Bakr al-Siddīq ﷺ and the Companions battled those who refused to pay *zakāt* until they submitted to the laws of Islam and paid their due. Again, this highlights the importance of this great obligation.

Zakāt belongs to the poor and the other categories of people mentioned by Allah: **{*Zakāt* expenditures are only for the poor and for the needy and for those employed to collect [*zakāt*] and for bringing hearts together [for Islam] and for freeing captives [or slaves] and for those in debt and for the cause of Allah and for the [stranded] traveler - an obligation [imposed] by**

295 Reported by al-Bukhārī (2/130, 158-159) and Muslim (1/38) from the narration of 'Abdullah ibn 'Abbās.

Allah. And Allah is Knowing and Wise.}[296]

Zakāt is not paid out because it is recommended or because it is charity, but it is *wājib* on the wealth of the rich and it is distributed to the poor and the rest of the categories of people. One has no choice to pay or not to pay, **{And from their properties was [given] the right of the [needy] petitioner and the deprived.}**[297] It is an obligation and so one must pay the *zakāt*.

متن تجبُ بشروطٍ خمسةٍ: حرية، وإسلام، وملك نصاب، واستقراره ومُضِيُّ الحولِ

It becomes *wājib* with five conditions: A free person, Islam, attaining *nisāb*, established ownership and possessing it for a year.

Zakāt becomes mandatory when there are five conditions present:

First: A free person. A slave need not pay *zakāt* even if he has in his possession wealth. His wealth belongs to his master. *Zakāt* is *wājib* on the free person who has wealth equivalent to or more than the fixed *nisāb*.

Second: Islam. *Zakāt* is not mandatory upon a disbeliever. That is, it is not demanded of him as long as he is a *kafir*. This is because paying *zakāt* is an act of worship. As such, it is accepted only from a Muslim. If he embraces Islam, it is not necessary for him to pay the *zakāt* that he had missed out on while he was a disbeliever. He needs to pay *zakāt* for the year he became Muslim and onwards.

Third: Attaining the *nisāb*. *Nisāb* is a fixed amount on which *zakāh* is due. If one has less than this amount, he need not pay *zakāt*. *Nisāb* differs according to the type of wealth. Silver currency and cash has a *nisāb*. Gold has its own *nisāb*. Camel, sheep and cows have differing *nisābs*. The produce from the land has its own *nisāb*.

Hence, the *nisāb* corresponds with the type of wealth or property. This will be explained in detail soon. He who does not attain the fixed amount called *nisāb* for any of these types of wealth or property need not pay *zakāt*.

296 Al-Tawbah: 60

297 Al-Dhariyāt: 19

Fourth: Established ownership. When the fruits and grains begin to yield or ripe, *zakāt* becomes *wājib* upon them. However, it does not become *wājib* until this fact is established. So if the trees and plants have just been planted, *zakāh* is not *wājib* at this time as he does not know what amount he will harvest, if ever at all. If an evil occurs to the crops before the harvest, which was not brought about due to the carelessness of the owner, then *zakāt* is not *wājib* upon him as he did not attain the wealth he was expecting. His wealth was not established.

Fifth: Possessing it for a year, that is, the wealth is in one's possession for twelve months. As the Prophet ﷺ said, "There is no *zakāt* except on wealth that has been preserved for a year."[298] I.e. from the time he gained the wealth.

متن

في غير المعشَّر، إلا نَتَاجَ السَّائمةِ، وربحَ التجارة ولو لم يبلغْ نِصاباً، فإنَّ حولَهما حولُ أصلِهما إن كان نِصاباً؛ وإلا فمِنْ كمالِه

Except *zakāt* on the produce from land. Exceptions to this are the offspring of cattle and the profit from trade, even if they do not attain *nisāb*. The fiscal year is counted from the source of these two that has attained *nisāb*. If it has not attained *nisāb*, then it is combined.

The condition that wealth be possessed for a year is not applicable for the following:

First: *Zakāt* on the produce from land. This is wealth on which a tenth should be given as *zakāt*. For grains and fruits, *zakāt* is due during the time of harvest even if it has not been a year since the last time he paid *zakāt*. Allah says: **{And pay the due of it on the day of its reaping}**[299]

Second: The offspring of cattle are exempt from the one year possession rule. One year of possession for the offspring runs concurrently with the adults'. That is, if the offspring is just born, *zakāt* is paid on the offspring along with that of the adults if the latter has attained *nisāb*. If its *nisāb* is not attained, then the fiscal year is calculated from when the *nisāb* amount is reached with the birth of the offspring. If for example, an offspring is born to cattle that

298 Reported by al-Tirmidhī (631) and al-Dāraqutnī (2/90) and al-Bayhaqī (4/104) from the narration of 'Abdullah ibn 'Amr.

299 Al-An'ām: 141

have reached *nisāb* within the fiscal year, the *zakāt* for the offspring is paid at the end of the year even though it has not been alive for one whole year. This is because the year of possession for the offspring is calculated in tandem with the adults'.

Third: Profit from trade. The fiscal year of this is calculated based on the invested capital. If the invested capital has attained *nisāb* and there is a profit in the trade, then *zakāt* is paid for both capital and profit.

However, if the profit is delayed a short while then the *zakāt* for the profit is due along with the capital when the latter has been in possession for a year. If the profit will only be had at the end of the year, then it is not to be considered for a separate year. Instead the year for profit runs concurrent with the invested capital, provided that the latter has attained *nisāb*. If the invested capital falls short of *nisāb*, then it is to be combined with the profit and the year begins only afterwards. After one year of combining the capital and profit, the *zakāt* for the total amount is paid.

متن ومن كـــان لـه دينٌ أو حقٌ من صداقٍ أو غيره على مَليءٍ أو غيره أدَّى زكاتَه إذا قَبضَه لما مضى

He who has given out loans or share in the dowry or other such wealth which he loaned out to a solvent or insolvent debtor, must backdate the payment of *zakāt* when he comes into possession of it.

"He who has given out loans or share in the dowry or other such wealth which he loaned out to a solvent or insolvent debtor, must backdate the payment of *zakāt* when he comes into possession of it": *Zakāt* is *wājib* on money that is in the possession of a person or that is in the hands of others in the way of debt. This is because ultimately the money belongs to him. If a year has lapsed after giving out the loan, he must pay *zakat* for it if the debtor is solvent and settles the debt or otherwise. This is because there is a high probability that the debtor will settle the debt shortly if not already settled. However, what if the debtor is insolvent and is unable to pay off the debt? Since the creditor is unsure if the debtor will ever return his money, he need not pay *zakāt* for that debt as long as it is being owed by that insolvent debtor. The creditor pays *zakāt* for the debt once it is returned to him. Likewise is the case if the money is owed by someone possessing wealth who is delaying the repayment to the extent that

the creditor does not know if he will be repaid or not.

The scholars differ as to the period of which the *zakāt* payment is backdated.[300] Some scholars are of the view that he must backdate the payment for the entire period of the loan.

Some others are of the opinion that he backdates the payment of *zakāt* for only one year. That is, the year the loan was returned. Some scholars claim that a fresh year starts from the day the loan is returned. Hence, he needs to pay the *zakāt* only after twelve months. This is because the creditor has no guarantees when he will get his money back if it is ever returned at all. The preferred view, *inshallah*, is the second view which states that he backdates the payment of one year as *zakāt* for the loan. That is, the year in which the loan is returned to him.

متن ولا زكاةَ في مالِ مَنْ عليه دينٌ ينقص النِّصاب ولو كان المالُ ظاهراً. وكفارةٌ كَدَينٍ

Zakāt need not be paid on an amount when subtracting his debt from it decreases the amount to less than the _nisāb_. This applies to observable property as well. Expiation is like debt.

"*Zakāt* need not be paid on an amount when subtracting his debt from it decreases the amount to less than the *nisāb*": We mentioned earlier regarding the creditors. Now we shall discuss about the debtors. That is, he has wealth but is also in debt. Some scholars say: If paying off his debt reduces the amount to less than the *nisāb*, he need not pay *zakāt*. If otherwise, *zakāt* is *wājib* for him on the amount that is left after paying off the debt.[301] There is no *zakāt* on the amount paid off as debt.

Another opinion that is the ruling in present times is: He must pay *zakāt* for the total amount regardless of whether some of it is used to pay off his debt.[302] The Prophet ﷺ commanded that *zakāt* be paid from the wealth. He did not seek details like if the owner was indebted or not.

"This applies to observable property as well": That is, the amount that reduces below the *nisāb* after the debt settlement includes observable property and not

300 See *al-Mughni* (4/270).

301 See *al-Insāf* (3/24).

302 This is the view of Imām al-Shāfi'ī and others. See *al-Mughni* (1/263).

just cash. This is if based on the first view. Examples of observable property are: agricultural produce, livestock and other tradeable commodities. Non-observable property refers to money.

"Expiation is like debt": Expiation that has to be fulfilled by a person is like the debt which he owes. The rules for both are similar for expiation is a debt to Allah. If in carrying out his expiation the amount on which *zakāt* is due decreases below the *nisāb*, then there is no *zakāt* for it. This is based upon the first view.

متن وإن مَلَكَ نِصاباً صغاراً انعقد حولُه حين مَلَكَهُ

If he has young offspring as livestock, the fiscal year is calculated from the day they attain the value of the *nisāb*.

"If he has young offspring as livestock, the fiscal year is calculated from the day they attain the value of the *nisāb*": *Zakāt* is *wājib* on livestock which attain the value of the *nisāb*; the age of the animals notwithstanding. The fiscal year is calculated from when the animals attain the value of *nisāb*. The Prophet ﷺ said, "Account for the newborn lamb but do not take it from them."[303] This is evidence for the fact that *zakāt* is paid for young livestock.

متن وإن نَقَصَ النصابُ في بعض الحَولِ أو باعه أو أَبْدله بغير جنسه لا فِراراً من الزكاة انقطع الحولُ، وإن أَبْدله بجنسه بنى على حوله

And if the amount decreases below the *nisāb* during the course of the fiscal year or if he sold a thing or replaced what he had for another, as long as he did not intend to disrupt the fiscal year so as to evade the payment of *zakāt*. There is no disruption to the fiscal year if he replaces his possession with something similar.

"And if the amount decreases below the *nisāb* during the course of the fiscal year or if he sold a thing or replaced what he had for another, as long as he did not intend to disrupt the fiscal year so as to circumvent the payment of *zakāt*": If in an unexpected turn of events one's wealth decreases below the *nisāb* or is totally lost during the year, then there is no *zakāt* on the wealth. This is due to

303 Reported by Mālik in *al-Muwattā* (p. 179) and al-Bayhaqī in *al-Sunan* (4/100) from the sayings of 'Umar ibn al-Khattāb.

the absence of the condition which makes *zakāt wājib*: the attainment of the *nisāb*.

Similarly, if he were to sell his property during the course of the year, he is not required to pay *zakāt* on it as he no longer owns it. However, *zakāt* is to be paid for the amount received if it attains the *nisāb* and remains in his possession for a year.

If he replaces his possessions with something else, for example if an owner of sheep that have attained the *nisāb* decides to sell it in exchange for camels. As the *nisāb* for sheep and camel varies there is a possibility that the camels he brought do not reach the *nisāb*. In this case the owner now does not have to pay *zakāt* on the camels he owns. This is valid provided that his intention was not to evade *zakāt*. Having this intention will make it *wājib* for him to pay *zakāt* on the value of the camels. This is because circumvention does not absolve the rights due to the people.

"There is no disruption to the fiscal year if he replaces his possession with something similar": If he replaces one type of cattle for something similar, then the fiscal year is not disrupted. It will not begin over at the date of the latest purchase.

متن وتجب الزكاة في عين المال، ولها تعلقٌ بالذمة، ولا يعتبر في وجوبها إمكان الأداء ولا بقاءُ المال، والزكاةُ كالدَّين في التَّرِكة

Zakāt is _wājib_ in the same form as that of the wealth. It is a liability. However, a _zakāt_ mandate does not necessarily mean the ability to pay _zakāt_ nor the presence of wealth. _Zakāt_ is like debt liable on inheritance.

"*Zakāt* is *wājib* in the same form as that of the wealth. It is a liability. However, a *zakāt* mandate does not necessarily mean the ability to pay *zakāt*": *Zakāt* is paid in the form of the wealth. The Prophet ﷺ said, "One sheep for every forty sheep."[304] *Zakāt* is a liability. For example, if the wealth is destroyed after *zakāt* became due on it. If the wealth was still in his possession when it was destroyed, then *zakāt* must be paid for it. In the case of unripe dates or grains, they are not in his possession figuratively. Hence, if they are destroyed before

304 Reported by Abu Dawūd (1568), al-Tirmidhi (621) and Ibn Mājah (1805) from the narration of 'Abdullah ibn 'Umar.

harvesting, *zakāt* need not be paid. We have elaborated on this point when we discussed established property earlier on.

If the wealth, on which *zakāt* was due, was in his possession when it was destroyed, then he has to pay *zakāt* for it as liability was established when a year had lapsed from the point the wealth attained the *nisāb*. It is considered a debt he owes as he delayed the payment of *zakāt* after it became *wājib*.

It was incumbent upon him to expedite the payment of *zakāt* without procrastination so that no unforeseen circumstances impeded him in discharging this obligation. *Zakāt* was *wājib* upon him before it was destroyed. Hence, it is not absolved with the loss of his wealth provided that it was in his possession.

"Nor the presence of wealth": As we have mentioned, the presence of the wealth is not a condition for *zakāt*. If it is destroyed, *zakāt* is still *wājib* upon it as the liability was established. It is now considered to be a debt he owes.

"*Zakāt* is like debt liable on inheritance": If a person dies before paying the *zakāt*, it has to be paid off from the money he has left behind just like the debt he owes. This is because debt owed by the deceased is divided into two: [(i) debts to Allah and (ii) debts to the people.]

Debt owed to Allah such as *zakāt*, expiations and vows. It is *wājib* to pay this off from the wealth left behind even before his will is executed and the inheritance is distributed. This is similar to the debt owed to people. Therefore the author mentions, "*Zakāt* is like debt liable on inheritance." Both types of debt must be paid off from the wealth left behind by the deceased even before the execution of his will and distribution of the inheritance.

باب زكاة بهيمة الأنعام
CHAPTER: ZAKĀT ON LIVESTOCK

"Chapter: *Zakāt* on livestock": There are four types of wealth upon which *zakāt* is *wājib*:

First: Gold and silver and that which serves a similar purpose like paper currency.

Second: Livestock. They are camels, cows and sheep.

Third: Tradeable commodities.

Fourth: Produce from the land of grains and fruits.

The author begins with livestock, that is camels, cows and sheep because it was the wealth commonly possessed by the Arabs, though cows were an exception. However the Prophet ﷺ informed Mu'ādh ؓ of *zakāt* pertaining to cows when he was dispatched to Yemen.[305] This was because cows were commonly possessed by those living in Yemen.

متن

تجب في إبلٍ وبقرٍ وغنم إذا كان سائمةً الحول أو أكثره

***Zakāt* is *wājib* upon camels, cows and sheep if it was let to graze for a year or the better part of it.**

---

305 Reported by Ahmad (5/230, 233), Abu Dawūd (1576), al-Tirmidhī (623) and al-Nasā'ī (5/25, 26) from the narration of Mu'ādh.

"*Zakāt* is *wājib* upon camels, cows and sheep if it was let to graze for a year or the better part of it": The author begins with the *zakāt* on camels. *Zakāt* is *wājib* on livestock specifically. They are camels, cows and sheep. These are livestock whose meat and milk are permitted for consumption. Allah says: **{Lawful for you are the animals of grazing livestock.}**[306]

Zakāt is not *wājib* on the rest of the livestock like donkeys, horses and mules unless they are traded by being bought and sold. In this case, they are classified as a tradeable commodity.

Zakāt becomes *wājib* on livestock under two conditions:

First: When *nisāb* is attained.

Second: When the livestock are left to graze for a year or the most part of it. If the livestock are kept in the pen or stalls half a year or more, then *zakāt* is not *wājib* on them as they are not left to graze.

متن فيجب في خمسٍ وعشرينَ من الإبِلِ: بنتُ مَخَاضٍ، وفيما دونها: في كل خمسٍ شاةٌ، وفي ستٍّ وثلاثينَ: بِنتُ لبونٍ، وفي ستٍّ وأربعينَ: حقةٌ، وفي إحدى وستينَ: جَذَعةٌ، وفي ستةٍ وسبعينَ: بنتا لبونٍ، وفي إحدى وتسعينَ: حقّتانِ، فإذا زادت على مائةٍ وعشرين واحدة: فثلاثُ بناتِ لبونٍ، ثم في كلِّ أربعينَ: بنتُ لبونٍ، وفي كل خمسينَ: حقّةٌ

A one year old she-camel (called *bint mukhādin*) is given as *zakāt* for owning twenty five camels. Anything less than twenty five, one gives a sheep as *zakāt* for every five camels. If one owns thirty six camels, then a two year old she-camel (called *bint labūn*) is given as *zakāt*. For every forty six camels, a three year old she-camel (called *hiqqah*) is given as *zakāt*. If the number reaches sixty one camels, then a four year old she-camel (called *jadha'h*) is given. When the number reaches seventy six, two she-camels in their second year (*bint labūn*) are given as *zakāt*. If there are ninety one camels, then two she-camels in their third year (*hiqqah*) are given as *zakāt*. If there are one hundred and twenty one camels, then the *zakāt* is three she-camels in their second year. Above this number, a two year old she-camel is given for every subsequent forty camels and a three year old she-camel for every subsequent fifty camels.

306 Al-Mā'idah: 1

"A one year old she-camel (called *bint mukhādin*) is given as *zakāt* for owning twenty five camels. Anything less than twenty five, one gives a sheep as *zakāt* for every five camels": The lowest *nisāb* for camels is five and the *zakāt* due is a sheep. For ten camels the *zakāt* due is two sheep and so on. Once it reaches twenty five camels, the *zakāt* shifts from sheep to camels. A one year old she-camel is given away as *zakāt*. This type of camel is called *bint mukhād* as her mother is probably pregnant with her sister at this stage. The word *mukhād* means pregnant.

"If one owns thirty six camels, then a two year old she-camel (called *bint labūn*) is given as *zakāt*": At this stage, the mother has already given birth to the camel she was pregnant with and so she can be milked. The two year old she-camel is thus called *bint labūn*. *Laban* means milk.

"For every forty six camels, a three year old she-camel (called *hiqqah*) is given as *zakāt*": She is called *al-hiqqatun*. At this age, she is able to mate and is strong enough to carry loads and be ridden.

"If the number reaches sixty one camels, then a four year old she-camel (called *jadha'h*) is given": At this age camels will start losing their teeth.

"When the number reaches seventy six, two she-camels in their second year (*bint labūn*) are given as *zakāt*": This is self-explanatory.

"If there are ninety one camels, then two she-camels in their third year (*hiqqah*) are given as *zakāt*": We have described this type of she-camel earlier.

"If there are one hundred and twenty one camels, then the *zakāt* is three she-camels in their second year": After ninety one camels, there is no change in *zakāt* until the number gets to one hundred and twenty one. Three *bint labūn* are given as *zakāt* at this point.

"Above this number, a two year old she-camel is given for every subsequent forty camels and a three year old she-camel for every subsequent fifty camels": If we say a person has two hundred camels. Based on this calculation he must pay in *zakāt* four she-camels in their third year.

فصـــل
SECTION

متن

ويجبُ في ثلاثينَ من البقر تبيعٌ أو تبيعةٌ، وفي أربعين مُسِنَّةٌ، وفي ستين تبيعان، ثم في كل ثلاثينَ تبيعٌ، وفي كل أربعينَ مُسِنَّةٌ، ويُجزئ الذَّكَرُ هنا وابنُ لبونٍ مكانَ بنتِ مَخَاضٍ، والذكر إذا كان النصاب كله ذكورًا

It is *wājib* to give as *zakāt* a male or female calf that is one year old for every thirty cows and for every forty cows a two year old cow. For sixty cows, two male or female calves in their first year are given as *zakāt*. If the number of cows surpasses sixty, then for every thirty cows, a one year old male calf and for every forty cows, a two year old cow is given. It is permissible to give in *zakāt* a male calf and to give an *ibn labūn* instead of a *bint mukhādin*. Males are given as *zakāt* if the *nisāb* consists of only males.

"Section": We have mentioned that the Arabs did not mostly possess cows. The people of Yemen reared cows. When we mention Arabs, we refer to the Arabs of the Arabian Peninsula. These Arabs did not know how to capitalize on cow farming and concentrated their efforts on camel farming. Most Arabs were like that. When the Prophet ﷺ sent Mu'ādh ؓ to Yemen, he explained to Mu'ādh the *zakāt* obligation upon cows[307] as the Yemenis were cow farmers.

"It is *wājib* to give as *zakāt* a male or female calf that is one year old for every thirty cows and for every forty cows a two year old cow. For sixty cows, two male or female calves in their first year are given as *zakāt*. If the number of cows surpasses sixty, then for every thirty cows, a one year old male calf and for every forty cows, a two year old cow is given": A male calf which is one year old

307 See earlier footnote.

is known as *al-tabī'* and a female calf is *al-tabī'ah*. They are called so because they follow the mother wherever she goes. Either one can be given as *zakāt*.

If the number of cows surpasses sixty, a standard *zakāt* is given. That is, for every thirty cows, a one year old male calf and for every forty cows a cow that is two years old.

[There are three situations when a male animal is given as *zakāt*:]

Firstly: "It is permissible to give in *zakāt* a male calf." Either a male or female calf may be given as *zakāt*.

Secondly: "To give an *ibn labūn* instead of a *bint mukhādin*." This is acceptable when the latter is not available. The male camel that is two year old is bigger in size. Furthermore, the male camel i.e. *ibn labūn* is older and bigger than the female camel mentioned here. *Ibn labūn* is two years old whereas *bint mukhādin* can be as young as one year old.

Thirdly: "Males are given as *zakāt* if a person only possesses males." If a person has only male camels, the sheep he has are all male, then he gives male animals as *zakāt*. If he only has bulls, then a year old male calf or a two year old bull is given as prescribed.

فصـــل
SECTION

متن ويجبُ في أربعينَ من الغنم شاةٌ، وفي مائةٍ وإحدى وعشرينَ شاتانِ، وفي مائتينِ وواحدةٍ ثلاثُ شياهٍ، ثم في كل مائةٍ، شاةٍ

It is *wājib* to give one sheep for every forty sheep. When the number of sheep reaches one hundred and twenty one, two sheep are given. When it reaches two hundred and one, three sheep are given as *zakāt*. When that number is surpassed, one sheep is given for every hundred sheep.

"Section": After explaining the *zakāt* obligation on camels and cows, the author begins to elaborate on the *zakāt* on sheep.

"It is *wājib* to give one sheep for every forty sheep": According to the command of the Prophet ﷺ who said, "One sheep for every forty."[308]

"When the number of sheep reaches one hundred and twenty one, two sheep are given": There is no *zakāt* after forty until one hundred and twenty one sheep are possessed. Two sheep are given at this number. The gap between forty and one hundred and twenty sheep where *zakāt* is not *wājib* is known as *al-waqas*. *Zakāt* is payable when the number of sheep reaches one hundred and twenty one. If a person has eighty sheep, then he pays one sheep as *zakāt*. The same applies if he has one hundred sheep, one hundred and ten sheep or one hundred and twenty sheep. When he has one more than this, he pays two sheep as *zakāt*.

---

308 Reported by Abu Dawūd (1568), al-Tirmidhī (621) and Ibn Mājah (1805) from the narration of 'Abdullah ibn 'Umar.

"When it reaches two hundred and one, three sheep are given as *zakāt*": This is the maximum *nisāb* for sheep. There is no *zakāt* payable after one hundred and twenty one sheep until the number reaches two hundred and one. *Zakāt* payable for this number is three sheep. If the number surpasses this, then a fixed rate of one sheep for every hundred sheep is payable as *zakāt*. So for example if he has three hundred sheep, he pays three sheep and for four hundred sheep he pays four sheep as *zakāt* and so forth.

متن

والخُلْطةُ تُصيِّرُ المالَين كالواحد

In a partnership two separate possessions are deemed as one.

"In a partnership": I.e. of livestock, two separate possessions are considered as one. Partnership is divided into two types as explained by the scholars: (i) the determinate partnership (ii) and the mixed partnership.

The determinate partnership is where each partner knows what he owns.

The mixed partnership is where the possessions of each partner are not known and are mixed together.

Both kinds of partnership render the possessions as a single form of wealth. If for example, a man has thirty nine sheep and another has one sheep. *Zakāt* is payable if they enter into a partnership as the total number of sheep now is forty. Hence one sheep should be paid as *zakāt*. However, each partner pays proportionate to his share of the partnership. The sheep owned by each of the two men would not have been liable for *zakāt* had they not entered into a partnership. Only when they decided to form a partnership did the number of sheep become forty and so *zakāt* is *wājib* based on the total number of sheep.

Partnership has its disadvantages, as in the case illustrated above, and it has advantages. If two men had forty sheep each and they enter into a partnership, both of them need only pay one sheep as *zakāt*. If they were individual owners, they each would have to pay a sheep as *zakāt*.

The mixed partnership has three conditions:

First: They are all kept in the same yard or pen where the sheep live together.

Second: They are milked in the same yard or stall where they are milked together.

Third: They are herded on the same land where they roam and graze from the same pasture. The herdsmen should also be the same ones looking after all of the sheep.

All these conditions must be present to validate the partnership.

باب زكاة الحبوب والثمار
CHAPTER: ZAKĀT ON GRAIN AND FRUITS

متن

تجب في الحبوب كلِّها، ولو لم تكن قُوتاً، وفي كل ثمر يُكال ويُدَّخر كتمرٍ وزبيبٍ

***Zakāt* is *wājib* on all grains, even if it is not foodstuff. *Zakāt* is *wājib* on all fruits that are measured and stored like dates and raisins.**

"Chapter of *Zakāt* on Grains and Fruits": This is the third type of wealth upon which *zakāt* is *wājib*. It includes all types of grains like wheat, barley, corn and millet. It includes all grains that are consumed or are stored. *Zakāt* is also *wājib* on fruits like dates, raisins and all other fruits that are consumed or stored. Allah says: **{And give its due (*zakāt*) on the day of its harvest.}**[309] He also says: **{O you who have believed, spend from the good things which you have earned and from that which We have produced for you from the earth.}**[310]

"Even if it is not foodstuff": *Zakāt* is *wājib* on grains that are stored, even if they are not foodstuff. As long as they are stored for some benefit, *zakāt* must be paid on it. Examples of these grains would be fruit pits and stones, cress and fenugreek seeds and other such grains which are stored but are not consumed for nourishment but have other uses. Nevertheless, *zakāt* has to be paid on these grains as long as they are stored for benefit.

"*Zakāt* is *wājib* on all fruits that are measured and stored": I.e. those that are weighed on a scale and are stored for future use. *Zakāt* is not *wājib* on fruits that are not weighed. Similarly it is not *wājib* on fruits that are weighed but

309 Al-An'ām: 141

310 Al-Baqarah: 267

cannot be stored as it is not possible to dry them so that they can be stored and preserved for future use. An example of something perishable would be apples. *Zakāt* is not *wājib* on them.

متن ويعتبر بلوغُ نِصاب قدره ألفٌ وستُّمائةِ رطلٍ عراقيٍ، وتُضَمُّ ثمرةُ العامِ الواحدِ بعضُها إلى بعض في تكميل النِّصاب، لا جِنْسٌ إلى آخر

The *nisāb* is attained when it weighs one thousand and six hundred Iraqi *ratl*. The fruit yield of a whole year is combined to make up the *nisāb*. Different types are not mixed together.

"The *nisāb* is attained when it weighs one thousand and six hundred Iraqi *ratl*":[311] *Zakāt* becomes *wājib* on fruits and grains when the *nisāb* is attained as we have discussed before. The *nisāb* for it as explained by the Prophet ﷺ is five *awsuq*. A *wasq* is equivalent to sixty *sā'* as per the Prophet's *sā'*. He ﷺ said, "There is no *zakāt* on a quantity which is less than five *awsuq*."[312]

If a *wasq* is sixty *sā'*, so five *awsuq* will be three hundred *sā'* as per the Prophet's *sā'*. This is the *nisāb* for grains and fruits.

"The fruit yield of a whole year is combined to make up the *nisāb*": For example, if a man has many types of dried dates. It is well-known that there are variants in dried dates. Hence, he combines the various types of dried dates together for they are all classified as dried dates. *Zakāt* is paid if the combined weight attains the *nisāb*. Similarly, there are variant types of grapes. These are combined together and if the *nisāb* is attained, *zakāt* becomes *wājib* on it.

Other examples are barley and wheat. Their different types are combined together and *zakāt* is paid if the *nisāb* is attained.

"Different types are not mixed together": Different types of things are not to be combined. For example, barley should not be mixed with wheat as they are different grains altogether.

311 Translator's note: One Iraqi *ratl* is equivalent to 406.25 grams according to Imām Abu Hanīfah and 382.5 grams according to the majority of the scholars.

312 Reported by al-Bukhārī (2/133, 134) and Muslim (3/66) from the narration of Sa'īd al-Khudrī with a narration traceable to the Prophet ﷺ.

متن

ويعتبر بلوغُ نِصاب قدره ألفٌ وستُّمائةِ رطلٍ عراقي، وتُضَمُّ ثمرةُ العامِ الواحدِ بعضُها إلى بعض في تكميل النِّصاب، لا جِنْسٌ إلى آخر، وَيُعتبر أن يكون النِّصاب مملوكاً لـه وقتَ وجوبِ الزكاة، فلا تجب فيها يَكْتسبه اللَّقاط أو يأخذه بحصاده، ولا فيها يجتنيه من المباح كالبُطْمِ، والزَّعْبَل، وبِزْرِ قُطُونا ولو نبت في أرضه

The *nisāb* must be in his possession when the *zakāt* becomes *wājib*. It is not *wājib* on left over grain or that which is given to the harvester. *Zakāt* is not *wājib* on what one gathers lawfully like terebinth, cotton plant and cotton-seed even if it grows on his land.

"The *nisāb* must be in his possession when the *zakāt* becomes *wājib*": This is when the grains grow hard and the fruits start ripening. If he gained possession only after the grains grew hard and fruits ripened as when he rented the land or he has left over grains after harvesting or other reasons, then *zakāt* is not *wājib*. This is because he came to possess the grains and fruits after *zakāt* became *wājib*.

"It is not *wājib* on left over grain or that which is given to the harvester": Or that which fell to the ground during harvesting. These are not accounted for as he came to possess them only after the *zakāt* became *wājib*.

"*Zakāt* is not *wājib* on what one gathers lawfully": From the vegetation or fruits one collects from open ground or wilderness. There is no *zakāt* on this type fruit and vegetation because they are different from harvested produce. Allah says, **{And pay the due of it on the day of its reaping.}**[313] Hence what he gathers from open desert like firewood and grass does not warrant *zakāt*.

"Like terebinth, cotton plant and cotton-seed": These are seeds and fruits that are consumed or useful to man.

"Even if it grows on his land": This is because it is comparable to pasture which, although it grows on the land owned by a person, *zakāt* is not liable upon it. Allah has not included it amongst the things that warrant *zakāt*.

313 Al-An'ām: 141

فصل
SECTION

متن يجب عُشْرُ ما سُقي بلا مُؤْنَةٍ، ونِصْفُه معها، وثلاثةُ أرباعِهِ بهما، فإنْ تفاوتا فبأكثرهما نفعاً، ومع الجهل العُشْرُ

A tenth is *wājib* on the produce where irrigation is natural. Half of this sum is *wājib* if irrigation is aided and three quarters of the sum if it is both natural and aided. The *zakāt* is based on how the land is predominantly irrigated. If one is ignorant about this, then a tenth is paid as *zakāt*.

"Section": In this section, the author explains the amount payable as *zakāt* for grains and fruits.

"A tenth is *wājib* on the produce where irrigation is natural": That which flows to the date palms and cultivation unaided like water from the river and rain water. A tenth of the yield is given as *zakāt*. This is due to the fact that the owner did not have to invest in irrigating the land.

"Half of this sum is *wājib* if irrigation is aided": If the land is irrigated by a waterwheel which pumps water into the land where there are date palms, grapes and other cultivation, then half that sum of natural irrigation is payable as *zakāt*. This is because the owner invested in buying the equipment and had to pay other expenses pertaining to it. An element of justice prevails here as he receives a rebate on the *zakāt* due to the money spent on irrigation. Hence he give half of a tenth of the yield. That is, a twentieth.

"And three quarters of the sum if it is both natural and aided": If in the course

of the year the land is naturally irrigated half of the time and manually irrigated during the rest, then three quarters of a tenth is payable as *zakāt*.

"The *zakāt* is based on how the land is predominantly irrigated": If it is irrigated naturally half of the year and manually the rest, then three quarters of a tenth of the yield is paid as *zakāt*. However, if the land benefits from natural irrigation more than manual irrigation, for instance, then the *zakāt* is in accordance to the irrigation method that is predominant. In this case it is natural irrigation, so it warrants a tenth of the yield. If the land was manually irrigated most of the year, then the *zakāt* will be a twentieth of the yield.

"If one is ignorant": I.e. as to which irrigation method was more predominant. In this case, he must resort to the default *zakāt* payment of a tenth of the yield.

متن وإذا اشتدَّ الحَبُّ وبدا صلاحُ الثمرِ وجبت الزكاة

When the grains grow hard and the fruits ripen, *zakāt* becomes *wājib*.

This is an explanation as to when *zakāt* on grains and fruits becomes *wājib*.

"When the grains grow hard": *Zakāt* is not *wājib* before this.

"And the fruits ripen": This is when the fruits turn red or yellow or when the grapes taste sweet and are fit for consumption. *Zakāt* is *wājib* at this juncture as they are at man's perusal at this stage.

However, if the grains are destroyed before they grow hard, before the fruits ripen or they are harvested or plucked before this, then the owner is not liable for *zakāt* on this produce.

متن ولا يستقرُّ الوجوب إلا بجعلها في البَيْدرِ، فإن تَلِفتْ قبله بغير تَعَدٍّ منه سقطتْ

And *zakāt* does not become *wājib* until the grains are on the threshing floor. If the grains are destroyed before this, not arising due to the owner's neglect, then *zakāt* is not liable.

"And *zakāt* does not become *wājib* until the grains are on the threshing floor": We discussed at the beginning of this chapter that possession of the produce

is a condition for *zakāt*. It becomes *wājib* only when the grains grow hard and the fruits ripen. One cannot claim to possess the grains and fruits unless he has complete control over it. That is, when the dates are in the trough and the stalks are at the threshing floor. Only at this stage is *zakāt wājib*. If the produce is destroyed before this by means of natural disaster then there is no *zakāt* liable on the owner even if the grains have grown hard and the fruits have ripened.

If they are destroyed after total possession was achieved and if the destruction was not caused by the owner's negligence such as a wildfire or a thunderstorm, *zakāt* need not be paid. This is because he had no control over the situation. However, if the destruction was due to his carelessness and negligence, then he is liable to pay *zakāt* as it was destroyed after he had total possession of the produce.

"If the grains are destroyed before this, not arising due to the owner's neglect, then *zakāt* is not liable": That is, before the grains are brought to the threshing floor and not resulting from the owner's negligence but due to a natural disaster. Destruction resulting in his negligence will render him liable for *zakāt* on the destroyed grains and fruits.

متن

ويجب العُشْرُ على مستأجر الأرض

Paying a tenth as *zakāt* is *wājib* upon the leaseholder of a land.

"Paying a tenth as *zakāt* is *wājib* upon the leaseholder of a land": *Zakāt* is *wājib* on the cultivated land. It is payable by him who has leased the land, not its owner.

متن

وإذا أَخَذَ من ملكه أو مَوات من العَسَل مائةً وستينَ رطلاً عراقياً ففيه عُشْرُه

Honey when taken from one's possession or from uncultivated lands a weight equivalent to one hundred and sixty Iraqi *ratl*, a tenth is to be paid as *zakāt*.

"Honey when taken from one's possession or from uncultivated lands a weight equivalent to one hundred and sixty Iraqi *ratl*, a tenth is to be paid as *zakāt*": Scholars differ regarding *zakāt* on honey. The majority of the scholars are of

the opinion that there is no *zakāt* on honey. Some of them are of the view that *zakāt* is *wājib* on honey, citing 'Umar ﷺ having collected *zakāt* on it.[314]

The *nisāb* for honey is ten *qirāb* (containers) which total to one hundred and sixty Iraqi *ratl*.

The evidence provided by the majority of the scholars that *zakāt* is not *wājib* on honey is that it is not included in the ayah: **{And from that which We have produced for you from the earth.}**[315] And the ayah: **{And give its due (*zakāt*) on the day of its harvest.}**[316]

The evidence given by scholars that *zakāt* is payable on honey is that 'Umar ﷺ collected *zakāt* from honey dealers. The *nisāb* is one hundred and sixty Iraqi *ratl* or ten *qīrab*.

The correct view and Allah knows best is that there is no *zakāt* on honey.

متن

والرِّكَاز: ما وُجد من دَفْنِ الجاهلية، وفيه الخُمسُ قليله وكثيره

***Rikāz* is buried treasure dating from the days of ignorance. A fifth is given as *zakāt* for small or large quantities of it.**

"*Rikāz* is buried treasure dating from the days of ignorance. A fifth is given as *zakāt* for small or large quantities of it": *Rikāz* means buried treasure that dates back to the pre-Islamic era.[317] If someone finds gold or silver that is buried in the ground that belonged to the disbelievers who pre-dated Islam, then it belongs to the finder. He pays a fifth of the value to the state treasury. The rest is his to keep.

If the treasure belonged to Muslims, then the rule is that of *al-luqata* (lost and found). If the buried gold and silver has marks on it indicating that the owners are Muslims, it is not permissible for the finder to keep it. Its description should be made evident to everybody and it should be advertised for a year.

314 Reported by Ibn Abī Shaybah in *al-Musannaf* (2/373) and 'Abdul Razzāq in his *Musannaf* (6969 and 6970).

315 Al-Baqarah: 267

316 Al-An'ām: 141

317 See *al-Sihāh* (3/880).

If the owners do not come to retrieve it, then he may take limited ownership of it.

Marks on the gold and silver allows one to know whether it belonged to the disbelievers or Muslims. If a *dirham* coin had Islamic script embossed on it revealing the identity of the *sultān* who ruled during that time, then it is considered a treasure belonging to the Muslims.

If it is noted that the *dirhams* were minted during the Abbasid or Umayyad caliphates, then the treasure is given to the state treasury. The rule is similar to that of possessions found that do not have an owner.

There are three scenarios when a person finds buried treasure:

First: If it is treasure that belonged to people dating back to the days of ignorance, then it is considered *rikāz* and the rules of *rikāz* apply.

Second: If it belongs to the early Muslims of whom none exist at present, then the rule of a lost object without an owner applies. The treasure is handed over to the state treasury.

Third: If it belongs to a contemporary Muslim, then the rules of *al-luqata* (lost and found) applies.

باب زكاة النقدين

CHAPTER: ZAKĀT ON GOLD AND SILVER

متن يجب في الذهب إذا بَلَغَ عشرين مثقالاً، وفي الفضَّة إذا بلغتْ مائتي دِرْهمٍ رُبْعُ العُشْرِ منهما

***Zakāt* is *wājib* when gold weighs twenty *mithqāl* and on silver when it is equivalent to two hundred dirhams. A quarter of a tenth of these values are paid as *zakāt*.**

"Chapter: *Zakāt* on Gold and Silver": Gold and silver are also known as *naqdayn* in Arabic. Gold and silver refers to all that serves a similar function to how paper currencies are used in the present era.

"*Zakāt* is *wājib* when gold weighs twenty *mithqāl* and on silver when it is equivalent to two hundred dirhams. A quarter of a tenth of these values are paid as *zakāt*": The *nisāb* of gold is twenty *mithqāl* and the *nisāb* of silver is one hundred and forty *mithqāl*[318] which is equivalent to two hundred dirhams in Islamic terms. If one has property of gold or silver that attains the *nisāb*, then *zakāt* is *wājib* and a quarter of a tenth or simply one-fortieth is to be paid. That is, 2.5% of it.

Twenty *mithqāl* is equivalent to eighty two grams approximately. The value of it is approximately eleven and a half Saudi pounds. Two hundred dirhams of silver is one hundred and forty *mithqāl* which is equivalent to five hundred and ninety five grams approximately.

318 See *al-Mughnī* (4/209).

متن ويُضَمُّ الذهبُ إلى الفضَّة في تكميلِ النِّصابِ وتُضَمُّ قيمةُ العروضِ إلى كلٍ منهما

Gold and silver are combined together to attain the *nisāb*. The value of tradeable commodies is combined with gold and silver.

"Gold and silver are combined together to attain the *nisāb*": If he has some gold and silver and combining both attains the *nisāb*, then he must pay *zakāt* on it as they are considered as similar in terms of wealth and they both serve the same purpose. Does he have to pay *zakāt* if he has many types of paper currencies which attain *nisāb* when combined?

Yes. Paper currencies are similar to mineral wealth. The *nisāb* of silver is fifty-six Saudi riyals or its equivalent. Hence he may calculate if his paper currencies attain the *nisāb*. In this case, he has to pay *zakāt*.

"The value of tradeable commodities is combined with gold and silver": If he has tradeable goods which have not attained the *nisāb* and he has gold or silver, then he combines the value of all of these together. This is because they are all parts of his wealth.

متن ويباحُ للذَّكَرِ من الفضَّة الخاتمُ، وقَبِيْعَةُ السيف، وحِلْيَةُ المِنْطَقَةِ ونحوه

Men are allowed to wear silver rings, have silver pommel for a sword and tie a silver girdle and the like.

"Men are allowed to wear silver": It is permissible for men to wear silver of the following:

First: "Rings": A Muslim male may wear a silver ring as the Prophet ﷺ used to wear it.[319] Gold rings are forbidden for men.

Second: "Pommel": This is a rounded knob on the end of the handle of a sword. It is also allowed to embroider the sword and its sheath with silver. The Companions used to own swords that had silver pommels or pommels with silver embroidered on the sides.

Third: "Girdle": This is a belt which is called *hisāyah* in Arabic. This belt has

319 Reported by al-Bukhārī (7/202) from the narration of Ibn 'Umar.

pouches wherein things can be put. It is permissible to embroider it with silver if it is used by men.

"And the like": Where the use of silver is necessary. Examples would be like wearing a watch or spectacles which have silver parts. Small quantities of it is not an issue.

متن ومن الذهب قَبِيْعَةُ السيف، وما دعتْ إليه ضرورةٌ كأَنْفٍ ونحوِه

And gold pommel of a sword and whatever is required in case of an emergency.

"And gold": I.e. the use of gold which is permitted. Its use is very limited as compared to silver. The use of gold is forbidden for men and is allowed only where evidence points to an exception. These are:

First: "Gold pommel of a sword": This was a practice of the Companions.

Second: "Whatever is required in cases of dire need": That is, only the use of gold will alleviate the problem. An example being if a nose is severed, then a nose made of gold can be used to replace it. This is because unlike silver, gold does not rust.

Third: Another example would be using a gold tooth. This is permissible if a person needs to replace his teeth. Gold is used as it is resistant to rust. Silver placed in the mouth will rust and corrode due to the prevalent moisture.

متن ويباح للنساء من الذهب والفضة ما جرتْ عادتُهن بلُبْسه ولو كَثُر

It is permissible for women to wear gold and silver what is customary, even if is a lot.

"It is permissible for women to wear gold and silver": This is in accordance to the injunction of Allah: **{[Do they then like for Allah] a creature who is brought up in adornments (wearing silk and gold ornaments, i.e. women), and in dispute cannot make herself clear?}**[320] This is in reference to women.

320 Al-Zukhruf: 18

Women should adorn themselves with jewellery. Even the women who lived during the lifetime of the Prophet ﷺ used to adorn themselves with gold and silver. The Prophet ﷺ addressed them saying, "O womenfolk! Give charity even if it be your jewellery."[321]

"What is customary, even if is a lot": Wearing of gold and silver is permissible for woman as long as it confines to what is normal or customary for a Muslim woman to wear. Examples of the types of jewellery would be silver or gold rings, necklaces, anklets and any other piece of jewellery that is customary for a Muslim woman to wear. The Prophet ﷺ said regarding gold and silk, "... [They are] forbidden for the males of my nation and permissible for the womenfolk."[322] This is because it is necessary for a woman to adorn herself especially with jewellery. Hence it is permissible for women provided that it does not reach an extravagant level.

متن ولا زكاة في حَلْيِهِا المُعَدِّ للاستعمال أو العارية، وإن أعد لِلْكِرَاء أو النفقة أو كان محرَّماً ففيه الزكاة

There is no *zakāt* for jewellery that is meant for personal use or that which is lent out. If it is for renting or meant as savings or it is forbidden, then *zakāt* is payable on jewellery.

"There is no *zakāt* for jewellery that is meant for personal use or that which is lent out": It is permissible for women to adorn themselves with gold and silver jewellery when it is worn as an ornament to beautify herself and to please her husband. There is no *zakāt* for it even if the *nisāb* is attained. This is because it is considered as something that is for daily use like clothes, houses and vehicles. Hence it is not an investment but becomes a necessity. This is the *madhab* of most of the scholars.[323]

However, if jewellery is used as a tradeable commodity or as savings or investment, then *zakāt* becomes *wājib* on it. The most preferred view, with the will of Allah, is that there is no *zakāt* payable on jewellery that is used as ornaments

321 Reported by al-Bukhārī (2/150) and Muslim (3/180) from the narration of Zaynab, the wife of 'Abdullah ibn Mas'ūd.

322 Reported by Ahmad (4/394, 407), al-Tirmidhī (1720) and al-Nasā'ī (8/161) from the narration of Abu Mūsa al-Ash'arī.

323 This is the view of Imām Mālik and al-Shāfi'ī. See *al-Mughnī* (4/220) and *al-Insāf* (3/138).

for personal use only. Otherwise, a poor woman will have only two choices: she has to give up her jewellery or she must obtain a debt to pay the *zakāt* on her jewellery. This is a great burden. Alternatively, her husband or guardian pays the *zakāt* on her behalf though he is not obliged to do so.

Zakāt becomes *wājib* in the following situations:

First: "If it is for renting or meant as savings": If jewellery is in possession but not for personal use or it is used as a tradeable commodity during festivals or special occasions. It is also considered to be an investment or as savings where it is possessed until the price of gold or silver rises and then the jewellery is sold off for a better price than the purchase price. This is akin to using it as a tradeable commodity. Hence *zakāt* is payable for this jewellery when it has been in possession for a year and the *nisāb* is attained. *Zakāt* becomes *wājib* on the jewellery as it is neither for personal use nor used often.

Second: "Or it is forbidden": I.e. if it is used in a forbidden manner such as a *kohl* container, pencil or incense-holder.

Third: If the jewellery worn is not customarily worn by women i.e. it is in a manner leading to extravagance.

Therefore, the issue of jewellery, which has been discussed in detail can be compressed into one preferred view: The view of the majority of scholars which states that items of jewellery which are ornaments for personal use are exempt of *zakāt*. It is considered as an item of daily use such as clothing, houses and vehicles. This is the view of many of the scholars from the *salaf* and *khalaf*.

When jewellery is used for trade and as an investment or it is a piece that is not customary to Muslim women, then *zakāt* is *wājib* on these items of jewellery based upon the original principle (*asl*): *Zakāt* is *wājib* on gold and silver. Only items of jewellery used as ornaments for personal use are exempt from *zakāt*.

باب زكاة العـروض
CHAPTER: ZAKĀT ON TRADEABLE COMMODITIES

"Chapter: Zakāt on Tradeable Commodities": The fourth type of wealth upon which *zakāt* is *wājib* is the tradeable commodity. It is called *'urūdh* in Arabic which literally means "display". However in the context it refers to *al-sila'tu* (commodity). It is called *'urūdh* because it is displayed during the transaction and it is said, "We call it such because it is displayed and then it disappears."[324] *Zakāt* is *wājib* upon it based upon the ayah: **{And from their properties was [given] the right of the [needy] petitioner and the deprived.}**[325] And the ayah: **{And those within whose wealth is a known right, for the petitioner and the deprived.}**[326]

Tradeable commodities are considered to be income. Hence, the Prophet ﷺ commanded that *zakāt* be paid on commodities that are traded.

The majority of scholars consider *zakāt* to be *wājib* on tradeable goods. In fact some scholars consider it an *ijma'*.[327]

متن إذا مَلَكها بفعله بنيَّة التجارة وبلغت قيمتُها نِصاباً زَكَّـى قيمتَها، فإن ملكها بـإرْثٍ أو بفعلـه بغير نية التجارة ثم نواها لـم تَصِرْ لها

If, by way of his actions, he possesses it with the intention of doing trade

324 See *al-Dār al-Naqī* (340/1).

325 Al-Dhāriyāt: 19

326 Al-Ma'ārij 24-25

327 See *al-Ijmā'* by Ibn al-Mundhir (p. 45).

with it, he must pay *zakāt* on its value if the *nisāb* is attained. If he inherits it or possesses it without the intention to trade with it and later changed his intention to do so, then the intention is not concurrent.

We now study the conditions which make *zakāt* mandatory on tradeable commodities. They are:

First: "If, by way of his actions, he possesses it": "His actions" refers to performing trade, buying and selling or labour of which he is paid for. Therefore possessing it without any action on his part, like a gift or inheritance is excluded in this condition.

Second: "With the intention of doing trade with it": That is to have an intention to sell the commodity. However, if he possesses it through his actions without an intention to sell the commodity but rather it was for his personal use, then *zakāt* need not be paid on it. This is because personal use is not trade.

Third: The commodity or the value in monetary terms from its sale should be in his possession for a year.

"He must pay *zakāt* on its value": He must pay one-fortieth of the total value of the commodity as *zakāt* provided that the commodity has reached the *nisāb* of gold or silver.

"If he inherits it or possesses it without the intention to trade with it and later changed his intention to do so, then the intention is not concurrent": If he had possessed the commodity for personal use then he changed his mind and decided to sell it, then there are two opinions regarding when he should pay *zakāt*:

First: The fiscal year does not start with the intention which in fact comes much later than physically possessing the commodity. The fiscal year starts at the sale of the commodity. If he retains the amount generated from the sale for a year, then *zakāt* should be paid. This is the view preferred by the author.

Second: The fiscal year begins when he intended to sell the commodity. This is because the commodity became tradeable with the change in intention from personal use to trade. Therefore, *zakāt* became *wājib* on it at that point. This is

the most correct opinion.

متن وتُقوَّم عند الحول بالأَحَظِّ للفقراء من عَيْنٍ أو ورِقٍ، ولا يُعتبر ما اشتُرِيَتْ به، وإن اشترى عَرَضاً بِنِصابٍ من أثمانٍ أو عروض بنَى على حَوْلِه، وإن اشتراه بسائمةٍ لم يَبْنِ

The bigger portion of the *zakāt* should be allotted to the poor given that the commodities have been in possession for a year. It may be given as commodities or its equivalent value in monetary terms. The purchase price of the commodity should not be taken into account. If goods are bought with cash or by trading in similar goods, then its term carries on at the point of purchase. If it was bought with livestock, the term does not carry on.

"The bigger portion of the *zakāt* should be allotted to the poor given that the commodities have been in possession for a year. It may be given as commodities or its equivalent value in monetary terms": This section explains how *zakāt* on commodities is given. We learnt earlier that *zakāt* is given in the same form as the wealth. For example, *zakāt* given on sheep is a sheep itself and the *zakāt* for currency is from its like. The *zakāt* for produce of the land should be from the produce.

Tradeable commodities are set aside for selling. Therefore *zakāt* need not be given from the commodities itself. Instead, an equivalent value in terms of cash may be given as *zakāt*; which is one-fortieth or 2.5% of the total value if the *nisāb* has been attained and the commodities have been in possession for a year.

"The purchase price of the commodity should not be taken into account": In fact the price of the commodity should be valued at the end of the fiscal year. *Zakāt* should be given based on the price of the commodity, which could have risen, remain unchanged or fallen, at that time.

"If goods are bought with cash": That is with currency, gold or silver.

"Or by trading in similar goods": I.e. trading through barter.

"Then its term carries on at the point of purchase": That is, throughout the year.

If he bought the commodities during the last month of the fiscal year with cash which was in possession throughout the year, then *zakāt* is still payable. This is because the commodities are a replacement for the cash and the same rule applies to the commodity as with cash in this instance.

For example, if one has a hundred riyals for eleven months and in the last month he bought some goods with that money. The cash has now been converted to a commodity. We say that *zakāt* must be paid for the commodities bought with the cash which was in the possession of the owner for eleven months; that is the hundred riyals. Hence, this amount warrants *zakāt* on it even though it was not maintained as cash for a whole fiscal year. The cash was converted to a commodity in the last month and therefore it has to be accounted for and *zakāt* must be paid on it.

Similarly, if he purchases commodities with cash and then replaces these commodities with another set of commodities which are similar in nature, then he has to pay *zakāt* on the cash with which he bought the initial commodities. This is provided that the original commodities have been in his possession for one year.

"If it was bought with livestock, the term does not carry on": This is because currency and livestock are not considered to be of similar nature. This is because livestock are not commodities nor are they a currency. Furthermore, the rules of *zakāt* pertaining to livestock differ from the rules of *zakāt* upon currency and commodities. For example, if he has five camels and just before the completion of a fiscal year, he bought tradeable commodities in exchange for the five camels. We say: In this instance, the fiscal year begins with the purchase of the commodities which were bought with the intention of trading. The time the camels were in the possession of the owner is disregarded and is not factored into the fiscal year nor is *zakāt* paid on the camels as they were in possession for less than a fiscal year.

باب زكاة الفطر
CHAPTER: ZAKAT AL-FITR

"Chapter: *Zakat al-Fitr*": *Zakāt* means charity. It is called such as it purifies i.e. it is derived from the Arabic word for purify. That is, it purifies the object on which the *zakāt* is paid. It purifies it and increases it.[328]

"*Zakat al-Fitr*": This is *zakāt* that is paid due to *fitr*. *Fitr* here refers to the blessed month of Ramadān. Allah has made it *wājib* upon each and every Muslim to pay this *zakāt* at the end of this month as charity.

We have studied about *zakāt* on wealth thus far. *Zakat al-fitr* is *zakāt* on the self. Hence, it is compulsory on the rich as well as the poor that is able to pay it. It is compulsory on the free person and the slave, the young and old, male and female. This is because it is *zakāt* on the body and self.

متن تجب على كل مسلم فَضَل لـه يومَ العيد وليلته صاع عن قوته وقوت عياله وحوائجه الأصلية

It is *wājib* for every Muslim who has a *sa'* in excess of his food and the food of his family and his basic needs on the day of 'Eid and its night.

Zakat al-fitr is *wājib*, i.e. it is obligatory. The evidence for this is Allah's words: **{He has certainly succeeded who purifies himself, and mentions the name of his Lord and prays.}**[329] "Purifies" in this ayah refers to the payment of *zakat al-fitr*. "Prays" refers to the 'Eid prayer. This ayah proves that *zakat al-fitr* is

328 See *Lisān al-'Arab* (14/358) and *al-Mutlā'* (p. 122).

329 Al-A'lā: 14-15

legislated in Islam.

From the Sunnah there are many authentic *ahādīth* that prove it. One example would be the narration of Ibn 'Umar ﷺ who said, "The Messenger of Allah made the giving of *zakat al-fitr* obligatory on every Muslim, male or female, free person or slave, young or old."[330]

His saying, "The Messenger of Allah made it obligatory (*farada rasūl allah*)" is proof that *zakat al-fitr* is legislated in Islam. It proves that it is an obligation and not just a recommended act.

"It is *wājib* for every Muslim": Regardless of his or her gender or status. It is also an indication that disbelievers are exempt of this obligation at the end of Ramadān, even though they possess physical bodies (as this tithe is *wājib* upon every Muslim "body"). This is because *zakāt al-fitr* is an act of worship (*'ibādah*) which is futile when performed by those who disbelieve.

"Who has a *sa'* in excess of his food and the food of his family and his basic needs on the day of 'Eid and its night": *Zakat al-fitr* is obligatory on a Muslim under the following condition: That he has an excess of food than what he, his family and those who are under his charge require for the day and night of 'Eid. If there is extra food, he needs to give it away as *zakat al-fitr*. If one does not have any excess food after fulfilling his needs, the needs of his family and of those who are under his charge, then he need not pay this *zakāt*. This is due to the absence of the condition which makes *zakat al-fitr* obligatory. Allah says: **{So fear Allah as much as you are able.}**[331] And He says: **{And has not placed upon you in the religion any difficulty}**[332]

متن

ولا يمنعها الدَّيْن إلا بطلبه

Having debt is not an excuse for not giving *zakat al-fitr* unless it is being sought.

"Having debt is not an excuse for not paying *zakat al-fitr*": If a person has a

330 Reported by al-Bukhārī (2/161, 162) and Muslim (3/68) from the narration of 'Abdullah ibn 'Umar.

331 Al-Taghābun: 16

332 Al-Hajj: 78

debt but he has enough to pay *zakat al-fitr*, then he should give *zakat al-fitr* and not cite his debts as an excuse for failing to do so. It is an obligation upon him to give *zakat al-fitr* unlike the case of *zakāt* on wealth. *Zakāt* on *al-māl* (wealth) is not required if the wealth does not attain *nisāb* after subtracting the debt owed.

"Unless it is being sought": If the creditor is actively seeking the repayment of the debt and the debtor only has enough money to pay it off, then he is not required to give *zakat al-fitr*. This is because he will have nothing left to give as *zakat al-fitr*. What he owns becomes the property of the creditor by default.

متن فيخرج عن نفسه ومسلم يمونه ولو شهرَ رمضان

He gives *zakāt al-fitr* on himself and on behalf of the Muslims who are under his welfare, even if it is only during the month of Ramadān.

"He gives *zakāt al-fitr* on himself and on behalf of the Muslims who are under his welfare": He gives *zakāt* on himself first and then on his dependants for example his children, spouse and parents and his next of kin. He must give on behalf of all those under his welfare. However, he must commence with paying the *zakāt* for himself first as this is the higher priority.

"Even if it is only during the month of Ramadān": This is to highlight an extraordinary situation. One's family is under his charge throughout and their welfare is taken care by him always. Hence there is no doubt that he must pay *zakat al-fitr* for them. However, there are two views regarding giving *zakat al-fitr* for those who come under one's charge during Ramadān specifically, as a result of his kindness: Firstly, it is said that it is *wājib* as they are under his welfare. Secondly, it is said that it is only *mustahabb* and not an obligation. The preferred view, and Allah knows best, is that it is not *wājib* to give *zakāt* on behalf of those who come under his charge only during Ramadān. This is because their welfare during the month of Ramadān is only charity and he is not duty-bound to provide for them.[333]

متن فإن عجز عن البعض بدأ بنفسه، فامرأته، فرقيقه فأمه، فأبيه، فولده، فأقرب في ميراث

If he is unable to give for some of them, he starts by giving it on himself, his

333 A narration from Imām Ahmad which was preferred by Ibn Qudāmah. See *al-Insāf* (3/168).

spouse, mother, father and his son and so on according to who is eligible to receive his inheritance.

"If he is unable to give for some of them, he starts by giving it on himself, his spouse, mother, father and his son and so on according to who is eligible to receive his inheritance": If he has the means, he is duty-bound to give *zakāt* on himself and on behalf of his spouse, parents and children as they are his dependants.

However, if he does not have the means and can only afford to give *zakat al-fitr* for some of his dependants, then he should start giving *zakāt* on himself followed by his spouse, as she is attached to him, followed by his children, as they depend on him for welfare, followed by his parents. He begins giving *zakat al-fitr* on behalf of his mother followed by his father.

A man once said to the Prophet ﷺ, "I have a dirham." The Prophet ﷺ replied, "Spend it on yourself." The man then said, "I have another." To which the Prophet ﷺ replied, "Spend it on your wife." He added, "I have another." The Prophet ﷺ then said, "Spend it on your children." The man stated that he had another. The Prophet ﷺ said, "Spend it on your parents." When the man said that he had another dirham, the Prophet told him, "You are more knowing."[334] I.e. he was more knowledgeable as to what to do with it. Hence, he begins by giving *zakāt* for himself then for his dependants, prioritising them as mentioned above.

متن **والعبد بين شركاء عليهم صاع، ويستحب عن الجنين، ولا تجب لناشزٍ، ومن لزمت غيره فطرته فأخرج عن نفسه بغير إذنه أجزأت**

The slave's portion of a *sa'* is collectively given by his masters. It is *mustahabb* on the foetus. It is not *wājib* for the husband to give on behalf of his estranged wife. It is permissible to pay the *zakat al-fitr* on himself if it is *wājib* upon him and without the prior consent of the head of the family or guardian even though it is the duty of the latter to pay it on his behalf.

"The slave's portion of a *sa'* is collectively given by his masters": That is, if the

334 Reported by Ahmad (2/251,471), Abu Dawūd (1691), al-Nasā'ī (5/62) and Ibn Hibbān (4219) from the narration of Abu Hurairah.

slave is co-owned by many masters. *Zakat al-fitr* is *wājib* upon the slave. However it is the duty of the master to pay it on his behalf. If he is jointly owned by many masters, then the *sa'* of staple food is to be collectively given by them proportionate to their stake in the slave.

"It is *mustahabb* on the foetus": I.e. to give the *zakat al-fitr*. This is the unborn child still in the womb. 'Uthmān ﷺ had ordered this.[335] Hence, it is *mustahabb* to give *zakat al-fitr* on behalf of the foetus.

"It is not *wājib* for the husband to give on behalf of his estranged wife": This is because the estranged wife is longer under the welfare of her husband due to their separation. *Zakat al-fitr* is directly linked with the relationship of dependency hence it is not *wājib* for the husband to give *zakat al-fitr* on behalf of his estranged wife.

"It is permissible to pay the *zakat al-fitr* on himself if it is *wājib* upon him and without the prior consent of the head of the family or guardian even though it is the duty of the latter to pay it on his behalf": That is, he does not wait for the guardian to give it on his behalf. Instead he gives it by himself. This is permissible as *zakat al-fitr* is essentially *wājib* upon the individual. It is only borne by the guardian due to the issue of dependency.

متن وتجب بغروب الشمس ليلة الفطر، فمن أسلم بعده، أو ملك عبداً أو تزوج زوجةً أو وُلِدَ لـه ولدٌ لم تلزمه فطرتهُ، وقبله تلزم

It becomes *wājib* at sunset on the night of *al-Fitr*. Whoever embraces Islam, takes possession of a slave, marries a woman or has a newborn after this night need not pay the *zakat al-fitr* due on them. He must do so if the above scenarios happen before this night.

The time when *zakat al-fitr* becomes *wājib*: "It becomes *wājib* at sunset on the night of al-Fitr," on the last day of Ramadān. When the sun sets and the new moon is sighted, it is the first night of the month of Shawwāl. On this night, the charity of *al-fitr* becomes *wājib*.

It does not become *wājib* on the first of the month of Ramadān or at the

335 Reported by Ibn Abī Shaybah (2/432) that 'Uthmān used to give *zakat al-fitr* on behalf of the foetus.

middle of it. If a person was to die before sunset on the night of al-Fitr, he does not owe anything. On the other hand, if his demise is after sun set on the night of al-Fitr, his family should pay *zakat al-fitr* on his behalf as it was *wājib* upon him.

"Whoever embraces Islam": That is, after sunset on the night of al-Fitr, it is not *wājib* that he pays the charity of al-Fitr. This is because the time when paying the *zakāt* was *wājib* has lapsed.

"Takes possession of a slave": Similarly, if he had bought the slave or he was given as a gift after sun set on the night of al-Fitr, then *zakāt* is not *wājib* upon the slave.

"Marries a woman": If a man makes the marital contract with a woman after sunset on the night of al-Fitr, *zakāt* need not be paid on his wife due to the lapse of time wherein *zakāt* was *wājib*.

"Or has a newborn": *Zakat al-fitr* is not *wājib* on the newborn baby if he or she is born after sunset on the night of al-Fitr.

"He must do so if the above scenarios happen before this night": For example, if a person possesses a slave before sunset on the night of al-Fitr, even marginally, it is *wājib* for him to pay *zakat al-fitr* on the slave. This is because it was within the time wherein the *zakāt* was *wājib*.

متن **ويجوز إخراجها قبل العيد بيومين فقط، ويوم العيد قبل الصلاة أفضل، وتكره في باقيه، ويقضيها بعد يومه آثماً**

It is permissible to pay *zakat al-fitr* two days before 'Eid though paying it just before prayer on the day of 'Eid is better. Paying it at other times is disliked. If he fails to do so, it should be paid on a later date and it is considered a violation.

The times in which *zakat al-fitr* is paid can be categorised into four:

The permissible time: "It is permissible to pay *zakat al-fitr* two days before 'Eid": It is permissible to pay this *zakāt* a day or two days before 'Eid. A person may pay *zakāt* on the twenty eighth or twenty ninth day of Ramadān. This

is based on the notion that whatever is performed nearer to the fixed date, it adopts the rules pertaining to the fixed date. The Companions used to give out *zakat al-fitr* a day or two before 'Eid.[336] This is because it is much more convenient for the people to do so in this manner. Furthermore, the *zakāt* was given out only slightly earlier.

However, the giving of *zakat al-fitr* earlier than the twenty eighth is not permissible. This is even before the time wherein *zakāt* becomes *wājib* and so the prohibition. Moreover, there is no precedence of it being paid that early.

The best time: "Paying it just before prayer on the day of 'Eid is better": That is, before one sets out for the 'Eid prayer. This is the best time to pay *zakat al-fitr*.

The acceptable time: The rest of the 'Eid day. It is permissible if a person delays giving *zakat al-fitr* until after 'Eid prayer. However, he is missing out on the better methods.

"Paying it at other times is disliked": Delaying the giving of *zakat al-fitr* until after the 'Eid prayer is acceptable. However, it is disliked. This is because a better time was forgone.

Making up for a violation: If the *zakāt* is not given throughout the day of 'Eid, then one still has to pay it the next day. Missing it on its day is not considered as having discharged one's duty in its time and he is considered a violator for delaying the giving of *zakāt*.

"If he fails to do so, it should be paid on a later date and it is considered a violation": Violation of giving *zakat al-fitr* begins with the end of the day of 'Eid. It can be given the day after 'Eid. The fulfilment is now considered a penalty (*qadā*) and is a sin due to the delay in giving the *zakat al-fitr*.

336 Reported by al-Bukhārī (2/162), "Ibn 'Umar used to give it to those who would accept it and they used to give it a day or two before 'Eid al-Fitr."

فصـــل
SECTION

متن ويجب صاعٌ من بُرٍّ، أو شعيرٍ، أو دقيقهما، أو سويقهما، أو تمرٍ، أو زبيبٍ، أو أَقِطٍ، فإن عَدِمَ الخمسةَ أجـزأ كـلُّ حَـبٍّ وثمرٍ يُقتات، لا معيبٌ، ولا خبزٌ

It is *wājib* to give a *sa'* of wheat or barley, its flour or paste, dates, raisins or cottage cheese. If these five are unavailable, then any grains or dried produce that are storable but no imperfect food and bread must be given as *zakāt*.

"It is *wājib* to give a *sa'* of wheat or barley, its flour or paste, dates, raisins or cottage cheese": This is detailing what should be given as *zakat al-fitr* and the quantity that is *wājib*. They are storable food that is common in a country. Each country shall give as *zakat al-fitr* the storable food that is prevalent in their country.

For this reason, the Prophet ﷺ mentioned a variety of foodstuff that can be given as *zakat al-fitr*. He said, "A *sa'* of wheat, a *sa'* of barley, a *sa'* of dates or a *sa'* of raisins, a *sa'* of cottage cheese."[337]

This is because the staple food of each country varies. Some consume wheat as their staple food while others only eat barley. Dates are also considered staple food in some countries as are raisins and cottage cheese. This is normally consumed by the rural people or Bedouins. The Prophet ﷺ mentioned a variety of foodstuff as people and their preferential foods vary. This is proof that the peo-

337 Reported by al-Bukhārī (2/161) and Muslim (3/69) from the narration of Abu Sa'īd al-Khudrī.

ple of a specific country should give the staple food prevalent in their country as *zakat al-fitr*. This is a leniency from Allah for the Muslims.

"If these five are unavailable, then any grains or dried produce that are storable": Other food items, besides these five foods, which are staple food in a country may be given as *zakat al-fitr*. Examples would be rice, pearl millet or its powdered form. These are acceptable as *zakat al-fitr* as they are staple foods in some countries. Some scholars claim that it is not permissible to give other than the five foods mentioned in the hadīth as *zakāt* except when they are unavailable. Hence the author mentions it here. "Then any grains or dried produce that are staple food" I.e. foods which are stored.

The correct opinion is that foods that are staple other than the five mentioned in the hadīth are permissible to be given as *zakat al-fitr* even if these five foods are available in a country.[338]

"Dried produce": Such as dates and raisins, which are staple foods in some countries.

"No imperfect food": It is not allowed to give wheat, dates, raisins, cottage cheese or any other staple food which are not safe for consumption or have some sort of inherent blemish in them. These foods have less benefit and are not valued by middle-income families. These foods are not to be given as *zakat al-fitr* as *zakāt* has to be pure. The food given as *zakat al-fitr* must be of an intermediate grade. It need not be of the highest quality or a low-grade food which is disliked by most people. Dates containing mothworms, wheat and barley with insects in them and infested produce or grains which can cause diseases should not be given as *zakat al-fitr*.

"And bread must be given as *zakāt*": Bread is not given as *zakat al-fitr*. This is because bread is a perishable good and is safe for consumption only for a short period. The recipient cannot do as he pleases with it unlike wheat, barley, dates, raisins or cottage cheese. These five foods can be sold or be consumed. The recipient can also give it away as a gift. Bread on the other hand has a limited shelf life and so it is not appropriate to be given as *zakat al-fitr*.

Note: We would like to highlight an issue that is discussed heavily. This issue

338 See *al-Mughnī* (4/292-293).

is about giving money as *zakat al-fitr*. This is not permissible as it is contradictory to the command of the Prophet ﷺ.

The Prophet ﷺ commanded that only foodstuff be given as *zakat al-fitr* and not only did he stipulate a *sa'* as its quantity, he ﷺ also mentioned the variety of foods that can be given as *zakat al-fitr*. The variance was due to the difference in food tastes and has no relation to the monetary value of the food. Furthermore, money was never mentioned with regards to *zakat al-fitr* even though the usage of money was prevalent during the lifetime of the Prophet ﷺ. He had steered clear of giving money as *zakat al-fitr* and instructed the Muslims to give specific foodstuff instead.

Moreover, the needy will be in need of foodstuff on the day of 'Eid so that they can rejoice and eat and drink with the rest of the people. Money will not serve this purpose unless he goes to buy these from the stores which most probably will be shut on the day of 'Eid or stocks will be extremely limited during that day. Hence, he will not benefit from cash on that day. However, if he is given food as *zakat al-fitr*, he may use it immediately for the day of 'Eid is a day of feasting. The poor are in need of food and this is the reason for the Prophet's words, "Enrich them and detract them from asking on this day."[339]

There is wisdom in giving the variety of foods mentioned in the hadīth and other staple foods. It is a convenience for the people, it attains the objective of feasting on the blessed day of 'Eid. It is an official holiday and so work is disrupted such that he cannot earn a living on that day. Thus buying food with his earnings on the day is not possible, provided that shops are open. The likely scenario is that they are not open and so he rejoices when people offer him *zakat al-fitr* which will fulfil his needs for the day. Giving money defeats this purpose and goes against the wisdom behind the legislation of giving food as *zakat al-fitr*.

This is an important point which is the view of most of the scholars including Imām al-Shāfi'ī, Ahmad and Malik, may Allah have mercy on them. Imām Abu Hanīfah, may Allah have mercy on him, allowed the giving of money as *zakat al-fitr*.[340] However, this contradicts the evidence and making inde-

339 Reported by al-Dāraqutnī (2/152-153) and al-Bayhaqī (4/175) from the narration of Ibn 'Umar. See also *Fath al-Bārī* (3/375).

340 See *al-Mughnī* (4/295).

pendent judgement when evidence is available is not permissible. When Imām Ahmad was asked about giving the financial value of the food and that some scholar had ruled in its favour. He replied, "They neglect the words of the Messenger of Allah and adopt the views of some person!" It is *wājib* that we act according to the evidence that is available.

The wisdom that we have mentioned regarding *zakat al-fitr* comes about if we act upon the evidence that is available. Otherwise, the wisdom is lost. The stipulated quantity to be given as *zakat al-fitr* is one *sa'* of the Prophet's *sa'*. *Sa'* refers to scooping four handfuls of the food using both hands. A scoop of this nature is called a *mudd*. Hence a *sa'* is equivalent to four *amdād* (plural for *mudd*) which in metric terms is equivalent to three kilograms approximately.[341]

متن **ويجوز أن يُعطيَ الجماعة ما يَلْزمُ الواحدَ، وعكسُه**

It is permissible to give a group of people a single person's charity and vice versa.

"It is permissible to give a group of people": I.e. a group of people who are needy.

"A single person's charity": Which is one *sā'*, which is the *zakat al-fitr* of one person, can be given to a group consisting of poor people. These people must share it among themselves. One can also give his *zakat al-fitr* to his family members who are needy. There is nothing wrong in doing so.

"And vice versa": One may choose to give to a single person what is due upon a group. For example, the *zakat al-fitr* of five people may be given to a single person as there is no maximum limit concerning how much can be given as *zakat al-fitr*. The only condition is that it be given to the needy, regardless if it is an individual or a group.

341 See *Mawsū'ah Wahdāt al-Qiyās al-'Arabiyyah wa al-Islamiyyah* (p. 258).

باب إخراج الزكاة
CHAPTER: PAYMENT OF ZAKĀT

متن

يجب على الفورِ مع إمكانهِ، إلا لضرورة

It is *wājib* to pay it immediately if one is able; except when prevented by circumstance.

"Chapter: Payment of *Zakāt*": That is, *zakāt* on wealth. We return to this as the chapter is regarding *zakāt* of which *zakat al-fitr* is a type.

"It is *wājib* to pay it immediately": It should be paid immediately after the completion of a year. There should be no unnecessary delay in the payment of *zakāt*. Allah says: **{And give *zakāt*.}**[342] This is a command. The *asl* (foundational principle) of a command is that it is carried out instantly. Delaying it is not permitted unless there is evidence to the contrary. Immediate payment allows one to discharge his duty as it may trouble his conscience if not. It is *wājib* for him to expedite the payment of *zakāt* and free himself of the responsibility. He should strive to do so whenever possible.

"If one is able": If he is unable to pay immediately, for instance if the money is lost or if he cannot find a needy person in his location and thus he delays the payment in order to seek out the needy people who are deserving of receiving *zakāt*. The delay was due to a valid reason and therefore it is allowed.

"Except when prevented by circumstance": Except when a predicament prevents the immediate payment of *zakāt*. He may delay until the predicament is

342 Al-Baqarah: 110

lifted and then pay the *zakāt* without any further delay.

متن فإن مَنَعَها جَحْداً لوجوبها كَفَر عارفٌ بالحُكم، وأُخذتْ منه وقُتل، أو بُخلاً أُخذتْ منه وعُزِّر

If he refuses to pay and denies that it is *wājib*, he has disbelieved while he knows the ruling. *Zakāt* is taken from him by force and he is executed. If he refuses to pay due to his miserliness, then it is taken from him and he is reprimanded.

"If he refuses to pay": He refuses to pay *zakāt* due to his denial that it is *wājib*. Even if he pays *zakāt* but claims that it is non-mandatory, he has also disbelieved because of it. He has rejected Allah, the Messenger of Allah ﷺ and the community of Muslims. He has belied a fundamental Islamic law that has to be known by all Muslims. Hence, there is no doubt regarding his apostasy. However, he is not proclaimed as a disbeliever for there is a slim chance that he was unaware of the ruling pertaining to *zakāt*. In this case, he is taught that *zakāt* is one of the pillars of Islam and that it is obligatory upon Muslims. If he still maintains that it is not an obligation even after being made aware of it, he is proclaimed an apostate. He is given an opportunity to repent failing which he is executed because of his apostasy.

"*Zakāt* is taken from him by force and he is executed": It is taken from him by force as *zakāt* is the right of the poor and the needy. His obligation to pay *zakāt* is not absolved due to his refusal to pay it nor is the right of the poor and needy absolved as a result of his refusal. If he continues to refuse to pay even after being made aware of its obligation and the evidence to support it, then *zakāt* is forcibly taken from him and he is executed if he does not repent to Allah.

"If he refuses to pay due to his miserliness, then it is taken from him and he is reprimanded": If he refuses to pay *zakāt* due to his miserliness, even though he admits that it is an obligation upon him, then he is urged to pay it. If he does not do so, then the ruler shall forcibly take it from him as *zakāt* is an obligation upon him which is due for the benefit of others. The ruler resorts to seeking justice against the transgressor. He seeks the rights of the poor from the transgressor's wealth, which he refused as a result of his miserliness.

"And he is reprimanded": He is punished for not paying *zakāt* with a jail sentence, flogging or other forms of punishment. This is because he has gone against Allah and His Messenger by committing a sin. Hence he is reprimanded as a deterrent measure.

If a powerful person admits that *zakāt* is *wājib* but refuses to pay due to his miserliness, then he must be fought against until he pays. Abu Bakr al-Siddīq ﷺ and the Companions who were with him waged war on those who refused to pay *zakāt* after the death of the Prophet ﷺ. He fought them until the *zakāt* was paid. This is because *zakāt* is from the pillars of Islam and an apparent symbol. Furthermore, it is a right of the poor and needy to receive it.

A painful torment lies ahead for those who refuse to give *zakāt*. Allah says: **{And those who hoard gold and silver and spend it not in the way of Allah - give them tidings of a painful punishment. The Day when it will be heated in the fire of Hell and seared therewith will be their foreheads, their flanks, and their backs, [it will be said], "This is what you hoarded for yourselves, so taste what you used to hoard."}**[343] This passage refers to those who refuse to pay *zakāt* for gold and silver. As for those who refuse to pay *zakāt* for camels, cows and other livestock, "Those animals will be brought on the Day of Resurrection and they will trample him with their hooves and bite him with their mouths. As often as the last of them passes him, the first of them would be made to return during a day the extent of which would be fifty thousand years, until judgment is pronounced among the servants."[344]

Those who refuse to pay the *zakāt* for gold and silver will have it heated in the fire of hell, then their foreheads and their sides and their backs shall be branded with it, as mentioned in the *ayāt* above. This will take place on a day which has the duration of fifty thousand years. The punishment is continuously meted out until all of mankind has been judged by Allah to enter either Paradise or Hellfire.[345]

Another punishment for refusing to pay *zakāt* on gold and silver is, "His wealth will be made into a bald snake full of venom and it will curl around his

343 Al-Tawbah: 34-35

344 Reported by Muslim (3/70-71) from the narration of Abu Hurairah.

345 Reported by Muslim (3/70-71) from the narration of Abu Hurairah.

body and bite him, injecting venom for a duration of fifty thousand years."[346]

Allah says: **{And let not those who [greedily] withhold what Allah has given them of His bounty ever think that it is better for them. Rather, it is worse for them. Their necks will be encircled by what they withheld on the Day of Resurrection.}**[347]

The Prophet ﷺ explained that the encircling mentioned in the ayah above is the clinging of the snake to one's body as described in the hadīth above. This is the torment if one refuses to pay *zakāt*. We seek refuge in Allah from it.

متن وتجب في مالِ صبي ومجنونٍ، فيخرجُها وليُّهما، ولا يجوز إخراجها إلا بنيَّةٍ، والأفضلُ أن يُفرِّقها بنفسه، ويقول عند دَفْعها هو وآخذُها ما وَرَد

It is *wājib* upon the wealth of a child and the mentally ill. The guardian pays it on their behalf. It is not permissible to pay *zakāt* without the intention. It is best that he distributes it by himself while both the giver and recipient utter phrases that have been reported.

"It is *wājib* on the wealth of a child and the mentally ill": *Zakāt* is *wājib* on the child's wealth as well as that of the lunatic. One who has not attained puberty is termed a child. A mentally ill individual is one who is possessed or has lost his senses. *Zakāt* is *wājib* on both of these two categories of people because it is connected with wealth and does not depend on the intellect or maturity of the person giving it.

"The guardian pays it on their behalf": On behalf of the child and the mentally ill.

"It is not permissible to pay *zakāt* without the intention": The giving of *zakāt* is an act of worship. All acts of worship are considered null and void without an intention as mentioned by the Prophet in the hadīth, "Verily all deeds are with intention and verily for each person is what he intended."[348] For instance, if a

346 Reported by al-Bukhārī (2/132), (6/49) from the narration of Abu Hurairah.

347 Āli 'Imrān: 180

348 Reported by al-Bukhārī (1/2, 21), (3/190), (5/72), (7/4), (8/175), (9/29) and Muslim (6/48) from the narration of 'Umar ibn al-Khattāb.

man gave away money or food to the poor as charity and he did not intend it as *zakāt*. If he decides to change his intention after having distributed the money or food, then this is not permissible. The intention should have been made at the time of distribution, not later. An act of worship is not valid without *niyyah* (intention) at the time it is executed.

"It is best that he distributes it by himself": This is to ensure that the money or food reaches the genuinely poor and needy. Furthermore, greater rewards can be earned when one distributes the *zakāt* himself. This distribution is also an act of worship and is a means of drawing closer to Allah. In fact, Allah commands the person giving *zakāt* to do so himself and not to appoint others to do so on his behalf. He says: **{And give zakāt.}**[349] He should manage the distribution of his *zakāt* himself so that he can reassure himself that it was carried out completely. He will also be able to remove any fear that some portion of the *zakāt* remained undistributed. He will be sure that it reached deserving recipients as outlined in Islamic law. This is the best way to ensure the discharge of one's duty pertaining to *zakāt* with the added benefit of being rewarded for the hard work exerted. The distribution of *zakāt* is a pious deed.

It is however permissible to appoint someone else to do it on one's behalf. He may seek the help of a Muslim who is very able in distributing *zakāt* to the needy. This is because *zakāt* is the distribution of wealth which permits others to represent him in carrying out the act.

"While both the giver and recipient utter phrases that have been reported": It is *mustahabb* that the giver and the recipient utter the supplications that have been authentically reported from the Messenger of Allah ﷺ. The recipient in this case can refer to the deputies sent by the ruler to collect *zakāt* on behalf of the state. It is *mustahabb* for the giver to say, "*Allahumma ij'alhāh maghnaman wa lā taj'alhāh maghraman*" (O Allah! Let it be a means towards riches and do not let it be a means towards debt).[350] The recipient says, "*Taqqaballala allahu minka mā a'tayt bāraka laka fīmā abqayt wa ja'alahu laka tahūran*" (May Allah accept what you have given and may He bless that which remains with you. May He purify it for you).

349 Al-Baqarah: 110

350 Reported by Ibn Mājah (1797) from the narration of Abu Hurairah and it is a *marfū'* narration.

The Prophet ﷺ used to supplicate and seek Allah's blessing for those who gave charity.[351] Allah said: **{Take [O Muhammad], from their wealth a charity by which you purify them and cause them increase, and pray for them.}**[352] "Pray for them" here means to supplicate for them. Prayer in linguistic terms is in fact supplication. So one should supplicate that the giver's charity is accepted by Allah and that He blesses him for it. One should also seek Allah's forgiveness for them. This is the Sunnah.

متن **والأفضلُ إخراجُ زكاةِ كلِّ مالٍ في فقراءِ بلدهِ، ولا يجوزُ نَقْلُها إلى ما تُقْصَر فيه الصلاةُ فإن فعل أَجْزأتْ، إلا أن يكونَ في بلدٍ لا فقراءَ فيه فيفرِّقها في أقرب البلاد إليه، فإن كان في بلدٍ ومالُه في آخر، أخرج زكاة المال في بلده، وفطرتُه في بلدٍ هو فيه**

It is best to distribute *zakāt* on wealth to poor people who are his countrymen. It is not permissible to distribute it in areas where shortening of the prayer comes into effect. If one does so, it is nevertheless accepted. Unless he lives in a country where there are no needy folk. He may distribute it in the nearest country to him. If he lives in a country and his wealth is in another country, he should distribute *zakāt* on the wealth in its country of location while *zakat al-fitr* is distributed in the country of his residence.

"It is best to distribute *zakāt* on wealth to poor people who are his countrymen": They have more right to it as they have personally seen the wealth due to them. They have the priority to receive the *zakāt* of their countryman. Mu'ādh ﷺ narrated a hadīth of the Prophet ﷺ where this is emphasised. He said, "Inform them that Allah has made it obligatory upon them to give charity which is taken from their rich and given to their poor."[353] So the basic instruction is to give *zakāt* on wealth to fellow Muslim countrymen who are needy.

"It is not permissible to distribute it in areas where shortening of the prayer comes into effect. If one does so, it is nevertheless accepted. Unless he lives in a country where there are no needy folk. He may distribute it in the nearest country to him": It is permissible to give it in a neighbouring land where the shortening of prayer does not come into effect due to its close proximity. So

351 Reported by al-Bukhārī (2/159), (8/90, 95-96) and Muslim (3/121) from the narration of 'Abdullah ibn Abī Awfā.

352 Al-Tawbah: 103

353 Reported by al-Bukhārī (2/130, 158), (5/205-206) and Muslim (1/37) from the narration of Ibn 'Abbās.

close that they may even be considered as one land. Distributing the wealth in a land where shortening of prayers comes into effect (i.e. the prayer would be shortened if the individual travelled there) is not allowed. One may do so if he has no other choice as when there are no needy folk where he lives or the neighbouring lands so much so that he has to distribute it in a faraway country. Transferring *zakāt* to distant countries where there are needy folk is permitted if no better alternative is available. However, if there are needy folk within his country, he must give priority to them when distributing *zakāt*.

"If he lives in a country and his wealth is in another country, he should distribute *zakāt* on the wealth in its country of location while *zakat al-fitr* is distributed in the country of his residence": That is, those whose wealth has attained the *nisāb* or more than that. Hence it becomes obligatory for them to give two types of *zakāt*: the *zakāt* due on wealth and *zakat al-fitr*. The latter is distributed in the country in which he resides for this is most apt for this type of *zakāt*. *Zakāt* on wealth on the other hand is distributed in the country in which it is located for his wealth is based there.

متن

ويجوز تعجيلُ الزكاة لحولَين فأقل، ولا يُستحب

Paying *zakāt* in advance is permissible for a two-year period or less but not recommended.

"Paying *zakāt* in advance is permissible for a two-year period or less but not recommended": *Zakāt* is not *wājib* until after the completion of a year as mentioned by Allah: **{And give its due on the day of its harvest.}**[354] That is, when one possesses the wealth for a whole year. It is permissible to give *zakāt* before the completion of a year. This is known as "*ta'jīl*" in Arabic. It is permissible to make the *zakāt* payment in advance before even possessing the wealth for a whole year if there is a dire need to do so. The Prophet ﷺ received the *zakāt* of two years in advance from his uncle al-'Abbās.[355]

354 Al-An'ām: 141

355 Reported by Abu Ubayd in *al-Amwāl* (1885) from the narration of 'Alī ibn Abī Tālib which was also reported by Ahmad (1/104), Abu Dawūd (1624), al-Tirmidhī (678) and Ibn Mājah (1795).

باب
CHAPTER: [THE EIGHT CATEGORIES OF RECIPIENTS]

أهلُ الزكاةِ ثمانيةٌ

متن

There are eight groups of people who can receive *zakāt*:

"Chapter": After discussing the laws of *zakāt*, it is appropriate that the author now mentions the different groups of people who are deserving recipients of *zakāt*. Allah mentions them in the Qur'ān. Therefore, it must be given to these groups of people that Allah has singled out as worthy of *zakāt*. Giving to any others will nullify the *zakāt* and he shall still be held liable for it. Hence, this chapter is an important one, not least for the fact that the task of identifying the rightful recipients was not left to the Prophet ﷺ but instead Allah did so. Therefore, one must strictly adhere to this injunction and distribute *zakāt* to the deserving ones only.

"There are eight groups of people who can receive *zakāt*": As mentioned in Sūrah Tawbah, ayah sixty: **{*Zakāt* expenditures are only for the poor and for the needy and for those employed to collect [*zakāt*] and for bringing hearts together [for Islam] and for freeing captives [or slaves] and for those in debt and for the cause of Allah and for the [stranded] traveller - an obligation [imposed] by Allah. And Allah is Knowing and Wise.}** It is not permissible to distribute *zakāt* to other than these eight groups (*asnāf*) of people. This is because Allah has limited the distribution to only these groups of people and no one else through the use of the word "*innamā*" (only for) in this ayah.

متن الفقراء: وهم من لا يجدون شيئاً أو يجدون بعضَ الكفايةِ دون نصفها، والمساكينُ: يجدون أكثرَها أو نصفَها، والعاملون عليها: وهم جُبَاتُها وحُفَّاظُها

***Al-fuqarah* are those who do not have anything or who possess an amount which does not amount to half of their basic needs. *Al-masakīn* are those who possess enough to meet most of their basic needs or have at least half of it. *Al-'āmilūn 'alayha* are those who enforce and preserve *zakāt*.**

The first group: "*Al-fuqarah* are those who do not have anything or who possess an amount which does not amount to half of their basic needs": These are the poor. Allah mentions them first with regards to those deserving of *zakāt*. It is distributed to them so that they can fulfil their basic needs for a year. **{Zakāt expenditures are only for the poor.}**[356] [357]

The second group: "*Al-masakīn* are those who possess enough to meet most of their basic needs or have at least half of it": It is the plural of *al-miskīn* which refers to the needy. They are those who have means but their needs outweigh their means. They are better off financially than the *fuqarah*. *Zakāt* should be given to them so that they can fulfil their basic needs for a year.

The third group: "*Al-'āmilūn 'alayha* are those who enforce and preserve *zakāt*": They are the officials entrusted to collect *zakāt* on behalf of the ruler from those upon whom it is *wājib*. These officials must be paid for their work and the ruler shall pay it to them. One must not appoint himself as a *zakāt* official or receive this appointment from other than the ruler himself. The ruler or the head of state must appoint the *zakāt* officials so that it can be collected formally from those upon whom it is *wājib*. The officials carefully preserve the *zakāt* money so that it is not lost or stolen. The officials are also responsible for distributing the funds to the rightful recipients once approval is received from the ruler to do so. These are the tasks entrusted to the *zakāt* officials.

If any of these officials is a rich man, then he is given a salary commensurate to the work he exerts. This is because this category of *zakāt* is not measured based on the recipient's wealth, it is a salary for the work he exerts as a *zakāt* official.

356 Al-Tawbah: 60

357 See *al-Jāmi' al-Ahkām al-Qur'ān* by al-Qurtubī (8/106) and *Tafsīr al-Qur'ān al-'Azīm* by Ibn Kathīr (2/378).

متن والرابع: المؤلَّفةُ قلوبُهم ممن يُرْجَى إسلامُه، أو كَفُّ شرِّه، أو يُرْجَى بعطيتِهِ قوةُ إيمانه

Fourthly: To bring hearts together or to attract the hearts of those they wish would embrace Islam or to neutralise one's evil or to strengthen one's faith with this gift.

The fourth group: "To bring hearts together": The word *ta'līf* means bringing together [and one of its forms is *mu'allaf*, meaning composer]. It is the opposite of the word *tanfīr* which means alienation. *Zakāt* is given to these groups of people so as to attract them to Islam. This is an important task in Islam. *Zakāt* is given to them proportionate to the impact Muslims intend to make upon them.

This group is divided into various types: Muslims with weak faith are given *zakāt* to strengthen it. The Prophet ﷺ used to give *zakāt* to those who had just embraced Islam but were not whole-heartedly practicing it. He gave it to them to strengthen their faith such that Islam became more endearing to them through this wealth.

Some of them said: "Muhammad ﷺ gives me *zakāt* even though I hate him the most among men. He kept giving it until he became the most beloved of men to me."

Some others claimed that they embraced Islam only for the *zakāt* money that they were entitled to receive. But no sooner did they receive it than Islam became dearer to their hearts than this world and whatever it contains.

"To attract the hearts of those they wish would embrace Islam": *Zakāt* is given to the disbelievers the Muslims hope will embrace Islam. These individuals should already gravitate towards Islam and want to embrace it. Wealth from *zakāt* is given to entice him further. Once he embraces Islam, he shall taste its sweetness and feel for himself its goodness.

The *zakāt* is a means to entice him to embrace Islam. Money from *zakāt* is given to this person proportionate to the requirements needed to make the end objective, his embracing of Islam, a success.

Similarly, *zakāt* is given to a disbeliever who is comparable to the giver in every

way. This may entice the disbeliever to enter the fold of Islam. If he does so, Islam shall be the dearest thing to his life. This is because they fled from Islam having had no exposure to it, nor any knowledge regarding it. Once they have a first-hand account of it, they treasure Islam and all doubts and fears that they had regarding it vanish. Thus the giving of *zakāt* to these individuals will spur them on to the truth of Islam.

"Or to neutralise one's evil": *Zakāt* is given to the disbelievers who are not in favour of Islam. This is to neutralise his enmity. He may decide not to harm Muslims due to the *zakāt*. To neutralise the disbelievers evil is necessary and warranted when there is imminent danger. *Zakāt* is given so that a truce is achieved between the disbelievers and Muslims. The amount given will be proportionate to the magnitude of the evil posed by the disbeliever.

متن

والخامس: الرِّقاب، وهم المكاتبون، ويفكُّ منها الأسيرُ المسلمُ

Fifth: Freeing slaves, that is, those who are known as *al-mukātabūn* and *zakāt* is used to free Muslim prisoners.

<u>The fifth group</u>: "Freeing slaves, that is, those who are known as *al-mukātabūn*": The singular form is *al-makātib*. They are the slaves who ransom themselves from their masters by paying a sum of money in instalments known as *al-nujūm*.[358] When he pays the full sum, he shall be freed from his master and is considered a free man thereafter. Islam encourages the manumission of slaves. Due to their perseverance to free themselves from the bonds of slavery, *al-makātib* have been given the rights to receive *zakāt*. The Muslims help him to pay off the instalments owed to his master so that he may be freed. Allah says: **{And those who seek a contract [for eventual emancipation] from among whom your right hands possess - then make a contract with them if you know there is within them goodness and give them from the wealth of Allah which He has given you.}**[359]

Among the groups Allah mentions who may receive *zakāt* is: **{For freeing the captives or slaves.}**[360] That is, those who strive to ransom themselves from the bonds of slavery to achieve freedom.

358 See *al-Lisān* (12/570).

359 Al-Nūr: 33

360 Al-Tawbah: 60

"And *zakāt* is used to free Muslim prisoners": Under the category of slaves comes the issue of Muslim prisoners who are incarcerated by the disbelievers. If a Muslim is imprisoned by the disbelievers and a ransom is requested. Then *zakāt* is given to the Muslim prisoner to facilitate his release. The *zakāt* given is proportionate to the request made by the disbelievers.

متن

السادس: الغارِمُ لإصلاحِ ذاتِ البَيْنِ ولو مع غنيٍ، أو لنَفْسِه مع الفقر

Sixth: Those who fall into loss whilst trying to rectify a situation; even if he is rich or those who have personal debt due to poverty.

<u>The sixth group</u>: Those in debt. There are two categories of debtors:

First: "Those who fall into loss whilst trying to rectify a situation": There is a dispute between two Muslim tribes for example and it is feared that the tensions will escalate, which might lead to a violent confrontation. Dispute and parting between Muslims should be avoided. Given this scenario, some good willed people may enter the fray and offer money to the alleged victims to try to rectify the situation. These good willed people should not be left to pay this amount from their own pockets. This is because it is not fair and it will lead to the abandonment of this practice. Instead *zakāt* money is used and only in proportion to the amount raised as debt.

"Even if he is rich": He may still receive *zakāt* money to settle the debt to rectify a societal predicament. This is because the debt is not a personal one but it is used to rectify the community at large.

Second: "Or those who have personal debt due to poverty": *Zakāt* is given to those who have debt but do not have the means to settle it when it is being sought from them. In this case, *zakāt* money can be used to help him but only to settle the debt incurred by him. Money from *zakāt* can only be used if the person who has debt is a poor man and is unable to settle it. If he is rich and is able to settle his own debts, then money from *zakāt* cannot be used.

Some debtors incur debts amounting to one hundred thousand of a given currency or more whilst their salary is only ten thousand a month approximately. A study should be undertaken to see if he capable of paying off his own debts from his income. If he is wealthy, money from *zakāt* cannot be used. However,

if his income is just sufficient for his basic needs and he cannot afford to settle his debt, then money from *zakāt* is used only so much that is necessary to settle his debt.

It may come to the fore that the debtor accumulated his debts as a result of engaging in forbidden or vile acts. Should money from *zakāt* be used to help him settle his debt in this case?

We say: The answer must be elaborated. If he had engaged in forbidden and vile acts but has since repented, then money from *zakāt* may be given to him to help him settle his debt. This is a form of support for his repentance and to free him of his responsibilities. However, if he has not repented and is continuously engaged in the transgressions, then he is not given money from *zakāt* as it is tantamount to endorsing and encouraging his evil actions.

متن السابع: في سبيل الله: وهم الغزاةُ المتطوعةُ الذين لا ديوان لهم

Seventh: Giving to those in the path of Allah. They are soldiers who do not have an income nor are they paid by the state.

The seventh group: "Those in the path of Allah": This refers to those who fight *jihād*. The *mujāhid* is offered *zakāt* in the form of weapons and as financial support for him and his children. It is offered to him provided that he is not receiving a salary from the state. He is not offered *zakāt* if he is in paid employment by the state as he cannot be classified as one deserving of *zakāt*.

Hence, the author says, "They are the soldiers who do not have an income nor are they paid by the state."

متن الثامن: ابنُ السبيلِ المسافرُ المنقَطَع به دون المُنْشِئِ للسفرِ من بلده، فيُعْطَى قَدْرَ ما يوصلُه إلى بلده، ومن كانَ ذا عيال أَخَذَ ما يكفيهم

Eighth: A stranded traveller who has no provisions, this does not include the traveller who just started his journey from his country. He is given an amount of money that is sufficient for him to return to his country. He is given extra if he has his family with him.

The eighth group: "A stranded traveller who has no provisions": That is, he

does not have enough to fend for himself because his provisions were lost, stolen or depleted. Hence he is unable to carry on with the journey nor is he able to return to his country. So this person deserves *zakāt*; even if he is a rich man in his country. He is given provision or money from the *zakāt* that will suffice him until he returns to his country.

This traveller is also known as *ibn al-sabīl*. Literally meaning "son of the path." It projects an idea that he is duty-bound to embark on this journey as a child is duty-bound to his or her father.

"This does not include the traveller who just started his journey from his country": This person is not given *zakāt* as he is not in need of any help yet. Hence, he is not a deserving recipient of *zakāt*.

"He is given extra if he has his family with him": The stranded traveller who brought his family along with him on his journey shall receive a larger amount of *zakāt* so that he can provide for his dependants as well.

متن ويجوزُ صَرْفُها إلى صنفٍ واحد، ويُسنُّ إلى أقاربه الذين لا تَلْزَمه مَؤُنَتُهُمْ

It is permissible to give to one particular category of people. It is a Sunnah to give to relatives as long as they are not amongst those whom he is legally required to maintain.

"It is permissible to give to one particular category of people": Among the eight groups mentioned in ayah sixty of Sūrah al-Tawbah. The author states here that it is not a must that one distributes his *zakāt* to all the eight groups of people. In fact, he may choose one group and give his *zakāt* to those in that group.

The evidence for this is the incident when the Prophet ﷺ dispatched Mu'ādh to Yemen, he instructed him saying, "Inform them that Allah has made obligatory the giving of charity which is taken from the rich amongst them and given to the poor amongst them."[361] He ﷺ did not mention any other groups who rightly deserve *zakāt* except the poor. Hence, this is proof that it is permissible to limit one's *zakāt* to only a particular group.

361 Reported by al-Bukhārī (2/130, 158), (5/205-206) and Muslim (1/37) from the narration of Ibn 'Abbās.

"It is a Sunnah to give to relatives as long as they are not amongst those whom he is legally required to maintain": It is Sunnah on the one giving the *zakāt* to give it to his needy relatives as the reward for it is doubled. He is rewarded for giving the *zakāt* and is rewarded again for forging ties of kinship. This is provided that his relatives are not amongst his dependants. If their welfare is his duty, then he must not give *zakāt* to them. In fact, he must provide for them from his wealth. If he were to give them *zakāt*, it is as if he is preserving his wealth and this is forbidden.

Those whom he is legally required to maintain are those needy relatives from whom he will inherit a portion of their estate upon their death. He cannot give *zakāt* to these relatives.

He has to support these relatives and provide for them from his wealth as relatives look after the welfare of their family members who cannot fend for themselves and who do not have an income. Hence he must maintain his relatives from whom he will inherit due to Islamic inheritance laws or due to communal ties. When mentioning the remuneration of the women who nurses a baby, Allah says: **{And upon the [father's] heir is [a duty] like that [of the father].}**[362] The inheritor of one's estate takes on the role of the father in paying the woman who nursed the child. This is in essence connected to the inheritance he shall receive if the father of the child were to die.

If he distributed his *zakāt* to any one of the eight groups of people, then it is accepted. However, giving to his needy relative whom he is not legally-bound to maintain and from whom he will not inherit is the best and most rewarding.

362 Al-Baqarah: 233

فصـل
SECTION

متن ولا تُدفع إلى هاشمي ومُطَّلِبِيٍّ ومَواليهما، ولا إلى فقيرة تحت غَنيٍّ مُنفقٍ، ولا إلى فرعِهِ وأصلِهِ، ولا إلى عبدٍ وزوجٍ

***Zakāt* is not given to the Hāshemi clan, the Muttalib clan and their *mawāli*. It is also not given to a poor woman who is supported by a rich person or to one's descendants or elders. Nor to one's slave or [the wife paying for her] husband.**

"*Zakāt* is not given to": These are the categories of people to whom *zakāt* should not be given:

First: "The Hāshemi clan": Those who belong to the Hāshemi clan who enjoy ties of lineage with the Prophet. He ﷺ said, "Verily, it is not appropriate to give charity to Muhammad and the family of Muhammad."[363] He was referring to his relatives, that is, the families of 'Abbās and Abu Tālib.

Second: "The Muttalib clan": The family of Muttalib ibn Abd Manaf. The Prophet ﷺ said, "Verily they have not parted from us during ignorance or in Islam."[364] They were even included in the group that was ostracised and cut off from the rest of the community during the time of the Prophet ﷺ.

363 A portion of a lengthy hadīth reported by Muslim (1072), Abu Dawūd (2985), al-Nasā'ī (5/105) and Ahmad (4/166) from the narration of 'Abdul Muttalib ibn Rabī'ah ibn al-Hārith.

364 Reported by Ahmad (4/81), al-Nasā'ī (7/130, 131) and Abu Dawūd (2980) from the narration of Jābir ibn Mut'am.

<u>Third</u>: "And their *mawālī*": The *mawāli* (plural of *mawlah*) of the Hāshemi and Muttalib clans. They are those manumitted slaves of these two clans. The Prophet ﷺ said, "The *mawlah* of a nation belongs to that nation."[365]

<u>Fourth</u>: "It is also not given to a poor woman who is supported by a rich person": Since the woman is not in need of *zakāt*, she cannot be a recipient of it. However, if she has a husband who does not provide for her, then she is given *zakāt* regardless if her husband is rich or poor. This is to avert harm from the woman.

<u>Fifth</u>: "Or to one's descendants": Such as his children, grandchildren and great grandchildren. This is because the welfare of his descendants is his duty. Therefore it is an obligation on him to provide for them.

<u>Sixth</u>: "Or elders": Such as his father and grandfathers as their welfare is an obligation upon him.

<u>Seventh</u>: "Nor to one's slave": *Zakāt* should not be given to one's own slave as the master is obliged to provide for his slave.

<u>Eighth</u>: "[The wife paying for her] husband": A woman must not give her *zakāt* to her spouse as he is duty-bound to provide for her. So, her *zakāt* must be returned to her.

متن

وإن أعطاها لمن ظَنَّه غيرَ أهلٍ فبان أهلاً أو بالعكس لم يُجزئه، إلا لغنيٍ ظنَّه فقيراً

If a person gives *zakāt* to one whom he doubts to be a rightful recipient but it is later proven otherwise or vice-versa, then his *zakāt* is not valid. Except if it was given to a rich man who is thought to be poor.

"If a person gives *zakāt* to one whom he doubts to be a rightful recipient but it is later proven otherwise": *Zakāt* is invalid in this scenario as the giver of *zakāt* is unsure about the status of the recipient and so there is a blemish in his intention when he paid the *zakāt*.

"Or vice-versa, then his *zakāt* is not valid": That is, he paid his *zakāt* to some-

365 Reported by Ahmad (4/340) from the narration of Rifā'ah ibn Rāfi. It is also reported by al-Nasā'ī (5/107) from the narration of Abī Rāfi'.

one whom he thought was a rightful recipient but he finds out later that he is not. The *zakāt* becomes invalid as a result. This is because a person's status is quite obvious and thus claiming ignorance is ruled out. Since the person who received the *zakāt* was undeserving of it, the giver has not given the due justice to the act of obligatory charity.

"Except if it was given to a rich man who is thought to be poor": This scenario is an exception as the financial status of a person is normally not clear to others. The Prophet ﷺ gave *zakāt* to two strong men saying, "If you desire, I shall give it to both of you though no portion should be had by the rich and those able to earn a living."[366] He mentioned this as there are no tell-tale signs to distinguish the rightful recipient from one who is not. Poverty is imperceptible to one and all.

متن وصدقةُ التطوعِ مستحبةٌ، وفي رمضانَ وأوقاتِ الحاجات أفضلُ، وتُسَنُّ بالفاضلِ عن كفايتِهِ وكفايةِ مَن يَمُونُه، ويَأْثَمُ بما يُنَقِّصُهَا

The voluntary charity is *mustahabb*. It is more meritorious during Ramadān and times of need. It is Sunnah upon him who has more than his own basic needs and that of his dependants. It is a sin if it diminishes these basic needs.

"The voluntary charity is *mustahabb*": This refers to charity that is non-obligatory. The author shifts to the discussion of this form of charity after having elaborated upon *zakāt*. In fact, all obligatory acts have a similar optional act legislated alongside them. For example, obligatory prayers and Sunnah prayers, obligatory charity and desired charity. There are obligatory and Sunnah fasts as well as obligatory and Sunnah pilgrimages. The wisdom behind this is to perfect and to rectify flaws in the obligatory acts of worship by performing the Sunnah acts of worship of a similar nature.

Allah urges the giving of voluntary charity in many *ayāt* of His Noble Book. The Prophet ﷺ said, "Verily, charity extinguishes the Lord's anger and averts an evil death."[367]

366 Reported by Ahmad (4/224), Abu Dawūd (1633), al-Nasā'ī (5/99) and al-Dāraqutnī in his *Sunan* (2/119) from the narration of 'Abdullah ibn 'Adi ibn al-Khiyār who narrated from two men who narrated from the Prophet ﷺ.

367 Reported by al-Tirmidhī (664) and Ibn Hibbān in his *Sahīh* (8/103) from the narration of

It can be given at any time. It is more recommended and meritorious during specific times such as:

"During Ramadān": Ibn 'Abbās ﷺ said, "The Messenger of Allah ﷺ used to be the most generous of men and he was the most generous during Ramadān when he used to meet Jibrīl."[368]

"And times of need": It is more recommended and meritorious in times of need. Allah says: **{Or feeding on a day of severe hunger.}**[369] Charity during critical times fulfils the dire needs of the less fortunate. It goes towards feeding the hungry and clothing the nude. Ultimately, it satisfies the requirements of the needy.

"It is Sunnah upon him who has more than his own basic needs": Only he who has more than what is required for his basic needs and the basic needs of his dependants should give voluntary charity. He satisfies his needs first and the needs of his dependants. If there is a surplus afterwards, he may give it in charity. The Prophet ﷺ said, "The upper hand is better than the lower hand and begin from the members of your household. The best of charity is that which is given from a surplus."[370]

"It is a sin if it diminishes these basic needs": If giving charity diminishes his ability to provide for himself and his family the basic needs and it leads to them being harmed, then it is a sin to give charity. The Prophet ﷺ said, "Neglecting one's own dependants is reason enough for a man to commit a sin."[371]

It is *wājib* for one to provide for himself and his dependants whilst voluntary charity is only *mustahabb*. A mandatory act should be given priority over a recommended act.

Anas. This hadīth has a weak chain of narration.

368 Reported by al-Bukhārī (1/4), (3/33), (4/37) and Muslim (7/73), al-Nasā'ī (4/125) and Ahmad (1/288, 363, 366) from the narration of 'Abdullah ibn 'Abbas.

369 Al-Balad: 14

370 Reported by Ahmad (2/278, 402, 476, 524) from the narration of Abu Hurairah.

371 Reported by Ahmad (2/160, 193, 194) and Abu Dawūd (1692) from the narration of 'Abdullah ibn 'Amr.

كتاب الصوم
BOOK OF FASTING

"Book of Fasting": Having explained *zakāt* in the last chapter, the author proceeds to discuss the third pillar of Islam which is fasting. To fast in the month of Ramadān is among the fundamentals of Islam.

Fasting in linguistic terms means to refrain or holding back[372]. A person who refrains from speaking is called *sā'im* in Arabic. It means "he who is fasting". As Allah said to Maryam: {**Indeed, I have vowed to the Most Merciful abstention (*sawman*), so I will not speak today to [any] man.**}[373]

Similarly, one who refrains from walking is known as *sā'im* as mentioned in the poem:

A horse is fasting while another bolts,
Billowing dust. The other just chews its reins.

"A horse is fasting" means that it refrains from running.

The technical definition of fasting is: to refrain from eating or drinking and other things that can nullify the fast, with the intention, from the second dawn until dusk (sunset).[374]

There are two types of fasts:

---

372 See *Tahdhīb al-Lugha* by al-Zuhrī (12/259).

373 Maryam: 26

374 See *al-Mutla'* (p. 145) and al-Dāraqutnī (1/355).

Obligatory fasts: Such as fasting in the month of Ramadān, fasting for emancipation and fasting due to a vow.

Supererogatory fasts: Such as fasting on Monday and Thursday of each week, three days every month, six days in the month of Shawwāl and other Sunnah fasts.

Fasting in Islam requires one to forego his desires to eat and drink, have sexual intercourse with his wife and other such desires. In this there is a form of test for the slave. Man is often overpowered by his desires and evil insinuations of the soul. When he fasts, he refrains from the things that are dearest to him and which he may be in need of. Examples would be eating and drinking and other such deeds. He foregoes these desires out of obedience to Allah. Allah says in the *hadīth al-qudsi*, "Fasting is for Me and I shall reward it. He leaves his desire, food and drink for My sake. The one who fasts experiences joy twice: joy when breaking the fast and joy when he meets his Creator. The odour of the fasting person's mouth is more fragrant to Allah than musk."[375]

The fasting person is thus distinguished. Similarly fasting itself is an act of worship far distinguished from other deeds. One of the distinguishing factors of fasting is its nature of secrecy and [the attributes of the believer that derive from this secrecy], foremost from them being the fear of Allah and the obedience to Him in subjugating one's temptations and desires.

متن

يجب صومُ رمضانَ برؤيةِ هلالِهِ

Fasting in the month of Ramadān becomes obligatory at the sighting of the crescent moon.

"Fasting in the month of Ramadān becomes obligatory": This is the only obligatory fast legislated in Islam. There are no obligatory fasts except the fasts in the month of Ramadān as explained in the ayah: **{O you who believed, prescribed upon you is fasting as it was decreed upon those before you that you may become righteous.}**[376]

375 Reported by al-Bukhārī (3/31, 34), (9/175) and Muslim (3/157, 158) from the narration of Abu Hurairah.

376 Al-Baqarah: 183

The word "*kutiba*" in the above ayah means that it has been made obligatory. Allah also says: **{The month of Ramadān [is that] in which was revealed the Qur'ān, a guidance for the people and clear proofs of guidance and criterion. So whoever sights [the new moon of] the month, let him fast it; and whoever is ill or on a journey - then an equal number of other days. Allah intends for you ease and does not intend for you hardship and [wants] for you to complete the period and to glorify Allah for that [to] which He has guided you; and perhaps you will be grateful.}**[377]

Fasting the month of Ramadān is an obligation upon all Muslims who have reached the age of puberty and are of sound mind. It is the commandment of Allah. One without a valid excuse must fast in this month. If he has a valid reason not to fast such as illness or traveling on a journey or other such excuses, then he should make up for the missed fasts on days outside of Ramadān.

"At the sighting of the crescent moon": Fasting in Ramadān becomes obligatory when two conditions are present:

Firstly: At the sighting of the crescent moon. Allah says: **{They ask you (O Muhammad) about the new moons. Say, "They are measurements of time for the people and for Hajj."}**[378] Allah has made the new moon appear at fixed times as a measurement for acts of worship. When to begin fasting during Ramadān is known from the new moon. If a trustworthy Muslim sights the new moon, it is obligatory on all Muslims to fast the next day. The Prophet ﷺ said, "Fast when it is sighted and end the fast when it is sighted."[379] Hence, it is obligatory to fast upon sighting the crescent moon.

Secondly: Fasting during Ramadān becomes obligatory after the completion of thirty days of Shabān. The Prophet ﷺ said, "If the sky is overcast, then estimate the period."[380] That is, the sky is overcast or is affected with haze such that sighting the new moon is impossible. In this scenario, the Muslims should wait until thirty days of the month of Shabān have passed and then begin fasting. In another hadīth it is mentioned, "If the sky is overcast, then take Shabān

377 Al-Baqarah: 185

378 Al-Baqarah: 189

379 Reported by al-Bukhārī (3/34-35) and Muslim (3/124) from the narration of Abu Hurairah.

380 Reported by al-Bukhārī (3/33, 34) and Muslim (3/122) from the narration of Ibn 'Umar.

as thirty days."[381]

It is not permissible to calculate the beginning of fasting by depending upon astronomical calculations. This is not prescribed by Allah and was not legislated by the Prophet ﷺ. He linked the start of fasting with the sighting of the new moon saying, "Fast when it is sighted and end the fast when it is sighted."

Hence, fasting commences when two conditions are present: When the new moon is sighted and when thirty days of Shabān have passed, in accordance to the narrations mentioned above.

Astronomical calculations are not permissible with regards to fasting as it is a human invention which may err sometimes and be accurate at other times. None can be correct at all times. The Prophet ﷺ did not command us to depend on it to determine the beginning of fasting in the month of Ramadān. Instead, he ordered us to sight the crescent moon. The method of sighting is by direct eyesight or by using telescopes and other such equipment. Using these tools does not transform the nature of the method to something other than sighting. They are simply means to aid the sighting. Using telescopes to sight the new moon is not a controversial issue. However, it is not mandatory to use it.

متن

فإنْ لم يُرَ مع صَحْوٍ ليلةِ الثلاثين أصبحوا مُفطرين، وإن حال دونه غيمٌ أو قَتَرٌ فظاهرُ المذهب يجبُ صومُه، وإن رُؤي نهاراً فهو لِلَّيلةِ المقبلةِ

If the new moon is not sighted on the thirtieth night, though the sky is clear, then they should not fast the next day. If clouds or haze block the sighting, then the *madhab* is explicit that fasting is *wājib*. If the new moon is seen during the day, then it is counted as the sighting for the night that follows.

"If the new moon is not sighted on the thirtieth night, though the sky is clear, then they should not fast the next day": It was discussed that fasting is made *wājib* by the sighting of the new moon. There is no dispute among the scholars regarding this issue. If the new moon is not sighted on thirtieth night of Shabān when the sky is clear and there is nothing that impedes the sighting of the new moon, then there is no dispute again that the Muslims should not fast

381 Reported by al-Bukhārī (3/34-35) and Muslim (3/124) from the narration of Abu Hurairah.

the following day (being the thirtieth day of Shabān). The fact that the new moon was not sighted the night before is evidence for not fasting.

"If clouds or haze block the sighting": If the new moon is not sighted on the thirtieth of Shabān due to cloudy skies or haze, then there is a difference in opinion among the scholars regarding the course of action for the following day. The day is known as Yawm al-Shak or the "doubted day" for it could be the last day of Shabān or the first day of Ramadān. It is assumed that the moon had appeared the night before but was blocked by unfavourable weather conditions.

Most scholars opine that people should not fast the next day[382] based on the hadīth of the Prophet ﷺ: "Fast when it is sighted and end the fast when it is sighted. If the sky is overcast, then estimate the period." And in another narration, "If the sky is overcast, then take Shabān as thirty days." The word "estimate" in the earlier hadīth is understood as a directive to not fast on the thirtieth day of Shabān as the new moon was not sighted the previous night. Hence, fasting on the doubted day is forbidden with an intention to do so as an obligatory fast of Ramadān. The Prophet ﷺ said, "Do not hasten Ramadān by fasting a day or two before it."[383] 'Ammār ؓ said, "He who fasts on the doubted day has indeed disobeyed Abu Qāsim (i.e. Muhammad) ﷺ."[384]

"The *madhab* is explicit that fasting is *wājib*": A group of the people of knowledge are of the view that it is *wājib* to fast on the day of doubt which falls on the thirtieth of Shabān. Their reasoning behind this is because as the sky was unclear, there was an impediment to its sighting. Therefore Muslims should fast. This is the explicit view of the *madhab* of Imām Ahmad, which is concurred upon by a group from the people of knowledge.[385] However, the preferred view is that it is forbidden to fast on the day of doubt.

The sighting of the moon is only done in the absence of the sun i.e. during the night.

---

382 See *al-Mughnī* (4/330).

383 Reported by al-Bukhārī (3/35-36) and Muslim (3/125) from the narration of Abu Hurairah.

384 Reported by Abu Dawūd (2334), al-Tirmidhī (686), al-Nasā'ī (4/153) and Ibn Mājah (1645).

385 See *al-Ikhtiyārāt al-Fiqhiyyah* (p. 159).

"If the new moon is seen during the day": That is, after the sun has passed its zenith, then it is counted as the sighting of the moon for the following day. However, if it is sighted during the daytime but before the sun reaches its zenith, then the new moon is considered as that of the night before.

متن وإذا رآه أهلُ بلدٍ لزم الناسَ كلَّهم الصومُ. ويُصام برؤيةِ عَدْلٍ ولو أُنثى، فإن صاموا بشهادةِ واحدٍ ثــلاثينَ يوماً فلم يُرَ الهلالُ، أو صاموا لأجل غَيْم لم يُفطروا، ومن رأى وحــدَه هلالَ رمضانَ وَرُدَّ قولُه، أو رأى هلالَ شوال صام

If the residents of a country sight it, then it is binding upon the rest of the people to fast. They fast if it is sighted by a just person; even if it is a female. If they began fasting based on one person's sighting and do not see the new crescent moon after thirty days, or they had begun fasting when the sky was overcast, then they should not break their fast. A person should fast if he sighted the new moon of Ramadān by himself and his sighting was rejected or if he sights the new moon of Shawwāl.

"If the residents of a country sight it, then it is binding upon the rest of the people to fast. They fast if it is sighted by a just person": It is not a pre-requisite that all the people must sight the new moon in order for fasting to become obligatory the next day. It is sufficient for one Muslim who is just to sight it. His or her sighting makes it binding upon the rest of the Muslims to fast the next day. Ibn 'Umar ﷺ informed the Prophet ﷺ that he had sighted the moon. The Prophet ﷺ ordered all Muslims to fast relying on this information that arrived from a lone individual.[386]

"Even if it is a female": A Muslim female's sighting is also accepted as the Prophet ﷺ said, "Fast when it is sighted and end the fast when it is sighted."[387] The Prophet ﷺ did not mention a minimum number of people for the moon sighting to be accepted. He had ordered the Muslims to fast relying upon the sighting of just one person, Ibn 'Umar, as in the above hadīth.

"If they began fasting based on one person's sighting and do not see the new crescent moon after thirty days": In this situation the people should err on the

386 Reported by Abu Dawūd (2342), Ibn Hibbān (3447), al-Dāraqutnī (2/156), al-Hākim (1/423) and al-Bayhaqī (4/212).

387 Reported by al-Bukhārī (3/34-35) and Muslim (3/124) from the narration of Abu Hurairah.

side of caution and continue the fast for it is an act of worship. This is because one person's sighting cannot be definite when it comes to beginning or ending the fasting month. Perhaps its sighting was misconstrued by the person. This is in contrast to if two or more people sight the new moon. A joint sighting is guaranteed and can be relied upon.

"Or they had begun fasting when the sky was overcast, then they should not break their fast": That is, they began fasting on the day of doubt based on the previously mentioned position in the Hanbalī *madhab*. If they do not sight the new moon even after fasting for thirty days, then they should not end their fast. They must assume that they had fasted a day prior to the beginning of Ramadān.

"A person should fast if he sighted the new moon of Ramadān by himself and his sighting was rejected": I.e. rejected by the Muslim authority or judge who consider this person's character or testimony not reliable enough to base such a decision upon. Hence they do not depend on his sighting of the new moon. Nevertheless, he should fast even if the people are ordered not to fast. He should do so as he had sighted the moon.

However, the correct opinion is that it is not binding upon him to fast as he is a member of the Muslim community.[388] He need not fast by himself as his sighting was not accepted by them. The Prophet ﷺ has said, "Your fast is along with their fast."[389] And, "Fasting is on the day when all the people fast and al-Fitr is the day when all people end their fast."[390]

متن

وَيَلْزم الصومُ لكل مسلمٍ مكلَّفٍ قادرٍ

Fasting is ordained upon every Muslim who is responsible and able.

"Fasting is ordained": The following are the conditions that make fasting obligatory:

First condition: "Upon every Muslim": The first pre-requisite is Islam. Fast-

388 The preferred view of Shaykh al-Islam ibn Taymiyyah. See *al-Insāf* (3/277).

389 Reported by 'Abdul Razzāq (7304), al-Dāraqutnī (2/164) and al-Bayhaqī (4/252) from the narration of Abu Hurairah.

390 Reported by al-Tirmidhi (697) from the narration of Abu Hurairah.

ing like all other acts of worship is accepted only with the condition of being a Muslim. Even if a disbeliever fasted from dawn and then embraced Islam later in the day, his fast is invalid for that day as part of it was performed without this pre-requisite. Acts of worship performed by non-Muslims are not valid as Allah says: **{And We will regard what they have done of deeds and make them as dust dispersed.}**[391]

Second condition: "Responsible": The second pre-requisite is that the person should have attained puberty and be of sound mind. It is not obligatory for a pre-pubescent child to fast as he is excused as we see from the words of the Prophet ﷺ, "The pen has been lifted from three..."[392] And of the three mentioned is, "A child until he reaches maturity." The pen mentioned in the hadīth is metaphorical and refers to obligation.

Similarly, it is not obligatory for one who has attained puberty but is not of sound mind to fast, such as the insane or the severely intellectually challenged person as long as he is in this condition. In fact, all other acts of worship are not obligatory for him as the Prophet ﷺ has said, "The insane until he becomes sane."[393]

Third condition: "Able": The third pre-requisite is that the mature Muslim must also be able to fast. Those unable to fast, like the sick are exempted from the obligation. They are actually exempt from fasting in the month of Ramadān if they are terminally ill. However, if there is hope of recovery, then they should make up for the missed fasts on other days. Those terminally ill and the elderly need only feed a poor person for every fast that was missed. They need not make up the fast. Allah says: **{And upon those who are able [to fast, but with hardship] - a ransom [as substitute] of feeding a poor person [each day].}**[394]

متن **وإذا قامتْ البينةُ في أثناء النهار وجبَ الإمساكُ والقضاءُ على كل من صار في أثنائه أهلاً لوجوبه، وكذا حائضٌ ونفساءُ طَهُرَتَا ومسافرٌ قَـدِم مُفطراً**

391 Al-Furqān: 23

392 Reported by Ahmad (1/140, 158), Abu Dawūd (4399-4402), al-Tirmidhī (1423) and Ibn Mājah (2042) from the narration of 'Alī.

393 Ibid.

394 Al-Baqarah: 184

If the obligation to fast is made apparent in the middle of the day, all who are obliged to fast should begin to do so and then make up this fast on another day. It also applies to women who are just now free from menses or post-natal bleeding and the traveller who returns to his city when he is not fasting.

"If the obligation to fast is made apparent in the middle of the day, all who are obliged to fast should begin to do so and then make up this fast on another day": If news of the moon's sighting is delayed until after sunrise and the people only find out during the middle of the day, then they should fast the rest of the day. This fast should be made up on another day as an obligatory fast that was missed. Even though their fast is not complete, they are instructed to fast the remaining part of the day in deference to the day time of Ramadān.

"It also applies to women who are just now free from menses or post-natal bleeding and the traveller who returns to his city when he is not fasting": These people who had valid reasons to miss their fasts should begin their fast during the remaining part of the day when their excuse expires. A menstruating woman should start fasting as soon as she is free of her menses, even if it is in the middle of the day. Similarly, a person who was ill should start fasting once he has recovered even if he had not been fasting from dawn. A traveller who returns back to his city is not considered as a person upon a journey any longer. Hence his excuse to not fast has expired. In this instance, he should fast the remaining part of the day in deference to the prohibitions that are in place during the daytime of Ramadān. These people should make up for the missed fast on another day for their fasting was incomplete.

متن ومـن أفطـر لِكِبَرٍ أو مـــرض لا يُرجى بُرْؤُه أَطْعم لكلِ يومٍ مسكيناً

He who does not fast due to old age or an illness from which recovery is not foreseen should feed a poor person for each day that he missed his fast.

We have seen thus far that fasting becomes an obligation on the first day of Ramadān upon all mature Muslims who are able to do so. There are two categories of people who are unable to fast:

First: Those unable to fast presently but may regain capability in the future. They may miss their fasts but must make up for it on other days. Allah says:

{So whoever among you is ill or on a journey [during them] - then an equal number of days [are to be made up].}[395] It is permissible for the traveller and those afflicted with an illness to miss their fasts in Ramadān. However, they should make up for it on other days.

<u>Second</u>: "He who does not fast due to old age or an illness from which recovery is not foreseen should feed a poor person for each day that he missed his fast": That is, those unable to fast presently or in the future as there is no hope of physical recovery like the aged and the terminally ill. They need only pay the *fidyah* in replacement of the missed fasts and not repeat them as the first category do. *Fidyah* is paid by feeding a poor person half a *sa'* of food for each day that a fast was missed. This is equivalent to one and a half kilograms. Allah says: **{And upon those who are able [to fast but with hardship] - a ransom [as substitute] of feeding a poor person [each day].}**[396] That is, they are unable to fast due to their old age or illness without hope of a cure. Hence, they feed a poor person for each fast that they missed.

He may choose to feed the poor person for the days that he missed his fast or combine the days and feed the poor at one time. He may decide to break it up into a few days as per his convenience. He may also choose to feed one poor person or a group of them. Praise be to Allah, the injunction to perform the *fidyah* is quite flexible.

متن **ويسنُّ لمريضٍ يضرُّه، ولمسافرٍ يَقْصرُ، وإن نوى حاضرٌ صومَ يومٍ ثم سافر في أثنائه فله الفِطْرُ**

It is Sunnah to refrain from fasting for an ill person if he is harmed by it and for a traveller who is permitted to shorten his prayer. A person who made the intention to fast while he was in his city and then travelled later in the day, he may break his fast.

"It is Sunnah to refrain from fasting for an ill person if he is harmed by it": As commanded by Allah: **{And has not placed upon you in the religion any difficulty.}**[397]

395 Al-Baqarah: 184

396 Al-Baqarah: 184

397 Al-Hajj: 78

"And for a traveller who is permitted to shorten his prayer": Similarly, a traveller who has travelled a distance which allows him to shorten the prayers that consist of four *rakāt*, it is *mustahabb* for him to break his fast. It is better that he does not fast during his journey. Evidence for this is the above-mentioned ayah of the Qur'ān and the instruction of the Prophet ﷺ who said, "Verily Allah loves that His concessions are utilised as much as He hates the violation of His prohibitions."[398]

Having said this, if an ill person or a traveller decides to fast, it is valid. This is according to the majority of the scholars.[399] However, it is better that he breaks his fast for the Prophet ﷺ has said, "It is not from piety that one fasts during the journey."[400]

"A person who made the intention to fast while he was in his city and then travelled later in the day, he may break his fast": If he intended to fast while he was in the city of his residence and then fasted from dawn only to travel later in the day, then he is allowed to break his fast. This is because he has achieved the concession of the traveller about whom Allah says: **{And whoever is ill or on a journey, then an equal number of other days.}**[401] It is better if he completes the fast despite his journey. If he does break his fast, he should do so only after leaving his land as he cannot be considered a traveller while being at close proximity to his land.

متن **وإن أفطرتْ حـاملٌ أو مُـرْضعٌ خوفـاً على أنفسهما قضتاه فقط، وعلى ولديهما قضتا وأطعمتا لكل يـوم مسكيناً**

If a pregnant woman or a nursing mother fears for her own safety, then she has to only make up for the fast that she missed. If she fears for the safety of her child, then she must make up for the fasts and feed the poor for each fast that she missed."

"If a pregnant woman or a nursing mother fears for her own safety, then she

398 Reported by Ahmad (2/108), Ibn Hibbān in his *Sahīh* (2742) from the narration of 'Abdullah ibn 'Umar.

399 See *al-Mughnī* (4/347).

400 Reported by al-Bukhārī (3/44) and Muslim (3/142) from the narration of Jābir ibn 'Abdullah.

401 Al-Baqarah: 185

has to only make up for the fast that she missed": Both of these women may refrain from fasting as they come under the concession mentioned in the verse: **{And upon those who are able [to fast but with hardship] - a ransom [as substitute] of feeding a poor person [each day].}**[402] If they fear that fasting is detrimental to their own health, they need only make up for the missed fasts. There is no dispute among the scholars on this issue.

"If she fears for the safety of her child, then she must make up for the fasts and feed the poor for each fast that she missed": In this case, in addition to making up for the missed fasts, the women must also pay the *fidyah*. Hence, a pregnant woman and a nursing mother need not give *fidyah* if they fear for their own safety in the event that they fast. On the other hand, they must make up for the missed fasts and feed the poor for every fast that they missed if the reason was that they feared that only the child's health would be at peril if they observed the fasts.

In summary, the following people may break their fast during Ramadān:

First: An ill person whose is expected to recover soon but finds it difficult to fast due to his illness.

Second: The traveller who travels a distance that permits him to shorten the prayers.

Third: The pregnant woman who fears that fasting is detrimental to her own health or the health of the foetus.

Fourth: The nursing mother who fears that fasting is detrimental to her own health or the health of her infant.

Fifth: A person who is terminally ill.

Sixth: The aged who is not senile yet is unable to fast.

All of these categories of people must make up for the fasts that they miss except those who are terminally ill and the aged. They need only give the *fidyah*

402 Al-Baqarah: 184

as a replacement for the fasts.

متن ومن نوى الصومَ ثم جُنَّ أو أُغْمي عليه جميعَ النَّهار ولم يُفِقْ جُزءاً منه لم يَصِحَّ صومُه، لا إن نام جميعَ النهار، ويَلْزَمُ المُغْمَى عليه القضاءُ فقط

If a person had intended to fast but lost his sanity or fell unconscious throughout the day without regaining consciousness even for a brief moment, then his fast becomes invalid. However the fast of one who sleeps throughout the day is valid. He who fell unconscious need only make up his fast.

"If a person had intended to fast but lost his sanity or fell unconscious throughout the day": That is, he began fasting from dawn but later fell unconscious throughout the day or he lost his sanity until dusk, then his fast is nullified. This is because he had lost his mind and losing one's mind sets one free of any obligation. The Prophet ﷺ said, "The pen has been lifted from three." And he mentioned among them, "The lunatic until he becomes sane."[403]

"Without regaining consciousness even for a brief moment": However, if he was to regain consciousness during the course of day and had regained sanity even for a short period of time, then his fast becomes valid. This is because the brief moment that he gained consciousness or regained his sanity is sufficient to validate his intention to fast. He who does not regain consciousness throughout the day or remains without sanity until sunset, his fasting is invalid since he has lost his intention to fast.

"However the fast of one who sleeps throughout the day is valid": Sleeping throughout the day does not nullify fasting as sleep does not affect one's sanity or his capacity to think rationally. Sleep is less potent than the loss of consciousness or sanity.

"He who fell unconscious need only make up his fast": There is no expiation for missing his fast as he did not nullify his fast on purpose.

متن ويجب تعيينُ النية من الليل لصومِ كلِّ يومٍ واجبٍ لا نية الفريضة، ويصح النفلُ بنيةٍ من

403 Reported by Ahmad (6/100, 101, 144), Abu Dawūd (4398) and al-Nasā'ī (6/156) from the narration of 'Aishah.

النهار قبلَ الزوال وبعدَه

It is *wājib* to specify the intention to fast the night before fasting each day of the obligatory fast. However it is not required to specify that an obligatory fast will be fasted. Intention for supererogatory fasts can be made in the day before the sun sets from its zenith and thereafter.

"It is *wājib* to specify the intention to fast the night before fasting each day of the obligatory fast. However it is not required to specify that an obligatory fast will be fasted": Having an intention to fast is among the conditions that validate fasting during the day. The Prophet ﷺ said, "Verily actions are by intentions and verily for a person is what he intended." If a person abstained from food and drink and other things prohibited during fasting throughout the day without an intention to fast, then it is not regarded as a fast. He is not rewarded for his abstention due to an absence of intention.

There are two situations pertaining to fasting:

The first situation: If the fast is an obligatory one like the fasts of Ramadān, the fasts of vows and the fasts of expiation, then the time period within which the intention to fast must be made commences at the beginning of the preceding night and ends at the arrival of dawn. This is to ensure that the whole day is included in the intention to fast and no part of the day is excluded. The Prophet ﷺ said, "There is no fast for him who did not make an intention the night before."[404]

The second situation: "Intention for supererogatory fasts can be made in the day before the sun sets from its zenith and thereafter": If one wants to fast a voluntary fast, then his making of the intention during the day does not nullify the fast. If he does not eat or drink during the day and has not made his intention except during the day, then his voluntary fast is valid. The evidence for this is the incident where the Prophet ﷺ entered his house and asked, "Is there any food?" And they answered that there was no food. So he ﷺ said, "Verily I am fasting then."[405] The permissibility of making the intention to fast the voluntary fasts during the day is illustrated in this hadīth as the Prophet ﷺ

404 Reported by Ahmad (6/287), Abu Dawūd (2454), al-Tirmidhī (730) and al-Nasā'ī (4/196) from the narration of Hafsah.

405 Reported by Muslim (3/159), Ahmad (6/49, 207) from the narration of 'Aishah.

did so during the daytime. *Nafl* (voluntary) acts of worship are more flexible than the obligatory ones.

متن ولو نوى: إن كان غداً من رمضان فهو فَرْضي لم يُجزئه، ومن نوى الإفطارَ أَفْطر

If a person makes an intention to fast if the following day may be the first of Ramadān, which is an obligatory fast, then it is invalid. He who makes an intention to break his fast, has indeed broken his fast.

"If a person makes an intention to fast if the following day may be the first of Ramadān, which is an obligatory fast, then it is invalid": He tells himself that he will fast if the following day is the first day of Ramadān and if it is not, then he will regard it as a *nafl* fast. This intention will render his fast invalid if the following day is indeed Ramadān. This is because there is ambiguity when making the intention which is not permissible as is the case for adding a conditional clause.

"He who makes an intention to break his fast, has indeed broken his fast": For example, a person is performing an obligatory fast such as the fasting within Ramadān or other similar fasts, e.g. making up for the missed fasts of Ramadān, fasts of vow and fasts of expiation. Later in the day, he makes an intention to discontinue his fast. With this intention, he has effectively nullified his fast, even if he goes on to abstain from food and drink and all other things that invalidate the fast until dusk. This is due to the severing of his intention. Obligatory fasts are only valid when the *niyyah* (intention) is continuously maintained. Hence a person's fasting is nullified by him merely having an intention to break the fast.

Voluntary fasts however are not nullified by an intention to break the fast alone. These fasts can only be invalidated by eating or drinking or the other things that invalidate a fast. This is because voluntary acts of worship are more flexible. Furthermore, a voluntary fast is valid even when the intention to fast is made during the daytime as we discussed earlier. If his intention to fast is disrupted and restored once again, his voluntary fast remains valid.

باب ما يفسد الصوم ويوجب الكفارة

CHAPTER: THINGS THAT NULLIFY A FAST AND WHICH MAKE EXPIATION WĀJIB

متن

من أكل أو شرب، أو اسْتَعَطَ، أو احْتَقَنَ أو اكْتَحَلَ بما يصل إلى حَلْقه، أو أَدْخل إلى جوفه شيئاً من أي موضع كان غير إِحْليله

He who eats, drinks, snuffs, has an injection, uses *kohl* which reaches his throat or inserts objects into his body via any of the bodily openings except the urethra.

"Chapter: Things that nullify a fast and which make expiation *wājib*": There are nullifiers of fasts which can be divided into two categories:

First: That which nullifies the fast but no expiation is necessary.

Second: That which nullifies the fast but expiation is necessary. This category will be discussed at a later point *inshallah*.

We will first discuss regarding that which nullifies the fast but does not require expiation:

"He who eats, drinks, snuffs, has an injection, uses *kohl* which reaches his throat or inserts objects into his body via any of the bodily openings except the urethra."

This category can be further sub-divided into: (i) Things which enter the body, (ii) things which exit the body.

Things which enter the internal body:

"He who eats, drinks": When one eats and drinks deliberately, his fast is nullified as mentioned by Allah in the ayah: **{And eat and drink until the white thread of dawn becomes distinct to you from the black thread [of night]. Then complete the fast until the sunset.}**[406]

Fasting is from dawn to dusk and one who is fasting should abstain from eating and drinking. If he does eat and drink deliberately, his fast is nullified. However, if he eats or drinks forgetting that he is fasting, then his fast is still valid. The Prophet ﷺ said, "Let he who forgets [that he is fasting] and eats or drinks continue to fast for indeed it is Allah who has given him food and drink."[407] Similarly, if a person is forced to eat or drink, then his fast is still valid. This is because an act that is forced upon a person is not attributed to him as he had no say in consuming the food and drink. It was coerced upon him. Thus, the fast is valid.

"Snuffs": This is akin to eating and drinking. All that enters one's internal body falls under this category. Foreign objects inserted via body openings which lead to the internal body like the nose and mouth nullify the fast. Things that reach a person's throat or the stomach also nullify the fast. This is the case if the individual does so deliberately and fully conscious that he is fasting. This is because it is tantamount to eating and drinking.

Similarly, hypodermic needles that pump nutrients into the vein are substitutes for food and drink to the body. If he is administered these nutrients when he is fasting, has not forgotten it and has it in his mind and was not coerced into being administered it, then his fast becomes invalid. This is because the nutrients act as a food source.

"Has an injection": Some scholars state that when a person is injected medicine intravenously, it enters the blood stream thereby reaching the internal bodily system. Injections administered to the intramuscular and subcutaneous regions do not nullify fasting as they do not reach the internal bodily system. However, avoiding them until night is best.

406 Al-Baqarah: 187

407 Reported by al-Bukhārī (3/40) and Muslim (3/160) from the narration of Abu Hurairah.

"Has an injection, uses *kohl* which reaches his throat or inserts objects into his body via any of the bodily openings": Using *kohl* or eye drops and nose drops may lead the contents to enter the trachea. This happens often as the taste is noted in the throat. If a fasting person does so deliberately and it reaches the throat which is confirmed if he tastes it, then his fast is nullified. However, if he does so forgetfully or is coerced to do so, then it does not affect the validity of his fast.

"Except the urethra": This is known as *al-ihlīl* in Arabic. Introducing a foreign object into the urinary tract does not nullify the fast as medicine administered into it does not lead to the internal bodily system.

متن أو اسْتقاءَ، أو اسْتَمْنَى، أو باشر فَأَمْنَى، أو أَمْذَى، أو كَرَّر النَّظَرَ فأنزل، أو حَجَمَ أو احْتَجَمَ وظَهَرَ دمٌ عامداً ذاكراً لصومه فَسَد، لا ناسياً أو مُكْرَهاً

If a person vomits, masturbates, ejaculates pre-seminal fluid or sperm after sexual intercourse, keeps looking at something which causes sperm to flow out, does cupping or has cupping done on him until blood is seen, then the fast is nullified if these things are done deliberately and while fully aware that he is fasting. It is not nullified if he does these things forgetting that he is fasting or if he is coerced into doing them.

The second sub-category:

Things which exit the body:

"If a person vomits": Things that are discharged from the body, for example vomit. If one does so voluntarily, then his fast is nullified. Involuntary vomiting however does not nullify a fast.

"Masturbates, ejaculates pre-seminal fluid or sperm after sexual intercourse and keeps looking at something which causes sperm to flow out": Other kinds of discharge that nullify a fast are ejaculation due to sexual intercourse, heavy fondling or masturbation, which is known as the hidden sin. A fast nullified by ejaculation during sexual intercourse also requires the person to give expiation for the deed. This will be discussed shortly.

"Does cupping or has cupping done on him until blood is seen": Another

means of one's fast being nullified is by performing cupping (*hijāmah*). Blood is extracted from the body by cups that have a vacuum. *Hijāmah* is popular with the Arabs and has been cited in prophetic medicine. If blood-letting occurs via cupping, venesection or a newly-invented method that creates a suction in an emergency or as blood donation, then fasting becomes nullified.

When the Prophet ﷺ saw a man who was having cupping performed on him while he was fasting, he said, "The one performing the cupping and the one on whom cupping is performed have nullified their fasts."[408] This hadīth proves that *hijāmah* nullifies fasting. Any procedure that is similar to cupping such as the suction of blood that occurs during blood donation or dialysis will nullify a fast. Drawing small amounts of blood, a blood test for example, does not nullify the fast as it is not like cupping which involves copious amounts of blood. The fast is not nullified if a person undergoes a molar tooth extraction while he is fasting and bleeding occurs as a result of it. This is because the bleeding was not deliberate and it is not considered the same as cupping.

Why did the Prophet say, "The one performing the cupping and the one on whom cupping is performed have nullified their fasts?" The one on whom cupping is performed has his fast nullified because of the bleeding of his body that was caused by the suction. As for the one who performed the cupping, his fast is nullified because he had extracted blood which would have otherwise provided strength to the body.

"Then the fast is nullified if these things are done deliberately and while fully aware that he is fasting. It is not nullified if he does these things forgetting that he is fasting or if he is coerced into doing them": If one does things like eating, drinking, introducing a foreign object into the internal body or had cupping performed on him while he was fully aware that he was fasting, then his fast is nullified. This is because his actions were deliberate and he did not have a valid excuse for doing so. If however he does these things whilst being unaware that he is fasting, then his fast is valid as the Prophet ﷺ said, "Let he who forgets [that he is fasting] and eats or drinks continue to fast for indeed it is Allah who has given him food and drink." Allah says in the Qur'ān: **{And there is no blame upon you for that in which you have erred but [only for] what your**

408 Reported by Ahmad (4/123, 124), Abu Dawūd (2368, 2369) from the narration of Shadād ibn Aws.

hearts intended.}[409] He also says: **{Our Lord! Do not impose blame upon us if we have forgotten or erred.}**[410] The Prophet ﷺ said, "My nation is forgiven for their mistakes, forgetfulness and that which is coerced upon them."[411]

متن

أو طار إلى حَلْقِه ذبابٌ أو غُبارٌ، أو فَكَّر فأنزلَ أو احْتلم أو أصبح في فيه طعامٌ فَلَفَظَهُ، أو اغتسل، أو تَمَضْمَضَ أو اسْتَنْثَر أو زاد على الثلاث، أو بالغَ فدخل الماءُ في حَلْقِه لم يَفْسُدْ صومُه، ومن أكل شاكّاً في طلوع الفجر صحَّ صومُه، لا إن أكل شاكّاً في غروب الشمس، أو مُعتقِداً أنه ليلٌ فَبَانَ نهاراً

If a fly or dust enters his throat, if he imagines something and seminal fluid flows as a result or he has a wet dream, if he wakes and food happens to be in his mouth and he spits it out, he takes a bath or gargles his mouth, draws water into the nose and does it more than three times or exaggerates while doing so such that water enters his throat, then his fasting is not nullified. The fast of one who ate while unsure of the arrival of dawn, is valid. However, if he ate while being unsure if the sun has set or he is convinced that it is night and later realises that it is daytime, then his fast is nullified.

We have discussed things that nullify a fast, such as eating, drinking, masturbation, cupping and other such matters that enter the internal body or which the body discharges. The author now mentions things that do not nullify the fast due to their inevitability i.e. due to the person's inability to prevent them.

Among the things mentioned is smoke or dust entering the throat. When a person passes by an open fire and the smoke enters his throat, his fast is not affected by it. This is because it was involuntary.

"If a fly or dust enters his throat": These do not nullify the fast.

"If he imagines something and seminal fluid flows as a result": That is, he imagines sexual encounters or fantasises about women, which causes seminal fluid to flow. This does not nullify the fast as it was involuntary. Thoughts and fantasies occur suddenly and they are inevitable.

409 Al-Ahzāb: 5

410 Al-Baqarah: 286

411 Reported by Ibn Hibbān (7219), al-Dāraqutnī (4/170-171), al-Bayhaqī (7/356) and al-Hākim (2/198) from the narration of 'Abdullah ibn 'Abbās.

"Or he has a wet dream": When seminal fluid flows while he is asleep, his fast is not nullified. This is because a wet dream is involuntary. He must however perform the ritual bath to cleanse himself of *janābah* (the state of greater impurity).

"If he wakes and food happens to be in his mouth and he spits it out": This will not nullify his fast as the mouth is still considered a part of the external bodily system. If he swallows the food deliberately however, his fast is nullified.

"He takes a bath or gargles his mouth, draws water into the nose and does it more than three times or exaggerates while doing so such that water enters his throat, then his fasting is not nullified": If water enters the throat in a manner which is not done deliberately, then his fast is not affected. Examples would be bathing, gargling the mouth, drawing water into the nose and expelling it. This is because there was no deliberate intention to consume water. If he had this intention while doing these acts that cause water to reach the throat, then he is adjudged to have drunk water and his fast is nullified. For this reason, the Prophet ﷺ said, "And exert when drawing water into the nose and expelling it unless you are fasting."[412] He ﷺ forbade the fasting person from exerting the drawing of water into the nose due to the chance of it going into the throat.

"The fast of one who ate while unsure of the arrival of dawn": And he was not informed by anyone that he had actually eaten after dawn. In this case, his fast is valid as the default consideration is the prevalence of night until proven otherwise.

"However, if he ate while being unsure if the sun has set": And he was not informed by anyone that the sun had set. In this case, the fast is nullified as the default consideration is the prevalence of day until proven otherwise.

"Or he is convinced that it is night and later realises that it is daytime, then his fast is nullified": That is, the individual ate since he was sure that night time had arrived but it dawns upon him later that it was in fact still daytime. His fast is nullified in this case. However, if he is not informed by anyone that it is daytime, then the default consideration is the prevalence of night as we have discussed above.

---

412 Reported by Ahmad (4/32, 33, 211), Abu Dawūd (142), al-Tirmidhī (788) and al-Nasā'ī (1/66) from the narration of Laqīdh ibn Sabrah.

فصــل
SECTION

متن

ومن جامَعَ في نهار رمضانَ في قُبُلٍ أو دُبُرٍ فعليه القضاءُ والكفَّارةُ

He who has vaginal or anal sex during the day in the month of Ramadān will have to make up the fast for that day and carry out expiation.

Now we will discuss the second category of the nullifiers of fasting, acts for which expiation is necessary:

"Section": We mentioned that there are two categories of nullifiers of the fast: (i) Nullifiers that require the person to only make up the fast. (ii) Nullifiers that require the person to make up the fast and also carry out expiation for it. This nullifier is to have sex during the day in the month of Ramadān.

"He who has vaginal or anal sex during the day in the month of Ramadān will have to make up the fast for that day and carry out expiation": If a person had sex during the day in the month of Ramadān while he was fasting, then he must make repentance to Allah for this sin as he has desecrated the sanctity of the fast and transgressed the bounds of Allah. It is *wājib* for him to make up the fast as it was nullified by sexual intercourse. It is also *wājib* for him to offer a heavy expiation. He must manumit a Muslim slave. If there are no slaves available, then he must fast consecutively for two months. If he is unable to do so, then he must feed sixty poor people.

A man came to the Prophet ﷺ and said, "O Messenger of Allah, I am destroyed, I am destroyed." He asked, "And what has destroyed you?" The man re-

plied, "I had sex with my wife during the day in Ramadān while I was fasting." The Prophet said to him, "Can you afford to manumit a slave?" He replied, "No." The Prophet asked again, "Are you able to fast consecutively for two months?" He replied, "No." The Prophet then asked, "Can you afford to feed sixty poor people?" He replied, "No." So the Prophet told him to sit down and he sat. A basket of dates was received by the Prophet at this time. The Prophet said to the man, "Take this and give it as charity."[413]

This is evidence to prove that offering expiation is *wājib* upon the person who has intercourse during the day in the month of Ramadān. This expiation is similar to that which is exacted for committing "*zihār*" (likening a wife to one's mother[414]) which is mentioned by Allah thus: **{And those who pronounce *zihār* from their wives and then [wish to] go back on what they said - then [there must be] the freeing of a slave before they touch one another. That is what you are admonished thereby; and Allah is Acquainted with what you do. And he who does not find [a slave] - then a fast for two months consecutively before they touch one another; and he who is unable - then the feeding of sixty poor persons.}**[415]

متن وإن جامع دون الفَرْج فأنزل، أو كانت المرأةُ معذورةً، أو جامع من كان نوى الصومَ في سفره أفطرَ ولا كفارةً

If he engaged in copulation with his wife without penetration or a woman is forced to have intercourse or if he had intended to fast whilst travelling on a journey and broke his fast with intercourse, then expiation is not required.

413 Reported by al-Bukhārī (3/41, 42, 210) and Muslim (3/138, 139) from the narration of Abu Hurairah.

414 **Editor's note:** Ibn Taymiyyah said regarding this matter in his *Majmū'* (34/5) "If what he meant was you are to me like my mother or my sister in terms of honour (or respect, family ties or without any particular intention behind the statement), then he does not have to do anything, but if what he meant was likening her to his mother or sister in terms of marriage, then this is *zihār* and he has to do the same as the one who divorces his wife by *zihār*: if he chooses to keep her, he should not approach her until he has offered the expiation for *zihār*." Furthermore he states (34/6), "If he meant when he said, 'You are like my mother to me' was that he would refrain from physical relations with her which are forbidden in the case of the mother, then this is *zihār* and he is obliged to do what the man who divorces his wife by *zihār* is obliged to do. It is not permissible for him to have intercourse with her until he has offered the expiation for *zihār*, namely freeing a slave. If that is not possible then he must fast for two consecutive months. If he cannot do that then he must feed sixty poor persons."

415 Al-Mujādilah: 3-4

This an elaboration of the types of sex that do not require expiation when performed during the day in the month of Ramadān.

First: "If he engaged in copulation with his wife without penetration": Heavy fondling and sexual foreplay which causes ejaculation are examples of this form of sex. A fasting person need only make up for the fast for the day and no expiation is necessary. This is because he had not engaged in sex per se. Expiation is only *wājib* when penetration occurs.

Second: "Or a woman is forced to have intercourse": In this case, she does not have to offer expiation as the intercourse was not voluntary on her part. In fact she was coerced into it. A person who is forced to commit an act is considered as not having committed it. Hence, she need not offer expiation.

Third: "Or if he had intended to fast whilst travelling on a journey and broke his fast with intercourse, then expiation is not required": A traveller who fasts in Ramadān and then has sex whilst fasting, there is no expiation required from him if he is still on his journey as travelling is a circumstance that allows one not to fast. The same is the case if one breaks his fast with food or drink.

متن

وإن جامع في يومين، أو كرَّره في يوم ولم يُكَفِّر فكفارةٌ واحدةٌ في الثانية، وفي الأولى، ثِنْتان، وإن جامع ثم كَفَّر ثم جامع في يومه فكَفَّارةٌ ثانيةٌ

If a person has sexual intercourse in two days or performs it multiple times in a day and he has not made expiation, then he does so once after the second example and twice after the first example. If he had sexual intercourse and made expiation immediately only to have sexual intercourse again, then he must repeat the expiation.

"If a person has sexual intercourse in two days or performs it multiple times in a day and he has not made expiation, then he does so once after the second example and twice after the first example": If he performs intercourse multiple times in a day, he need only offer it once after the final session.

"If he had sexual intercourse and made expiation immediately only to have sexual intercourse again, then he must repeat the expiation": This is the case even if both sessions were performed in one day. However, if he had performed sex over a period of days, then he has to offer expiation for each day that he

had sex for each day is an independent devotion that he has to expiate for since it was desecrated.

متن وكذلك من لَزمه الإمساكُ إذا جامع، ومن جامع وهو مُعافىً ثم مرض أو جُنَّ أو سافر لم تَسْقُط

Similar is the case if he upon whom fasting becomes obligatory during the day has sexual intercourse afterwards and he who has sexual intercourse while fasting but was later allowed to break his fast due to illness, lunacy or travel, is not discharged of expiation.

We have discussed earlier that if clear signs appear in the middle of the day to confirm fasting, or if a traveller who did not fast returns back to his city, or if a child attains puberty, or a person attains sanity in the middle of the day, or a menstruating woman becomes free of her menses during the daytime, they must fast the rest of the day.

"Similar is the case if he upon whom fasting becomes obligatory during the day has sexual intercourse afterwards": That is, the individual has intercourse after proceeding to fast the rest of the day. In this case, he must offer expiation just as one would offer expiation when he desecrates the fast he maintained from dawn with sexual intercourse.

"And he who has sexual intercourse while fasting but was later allowed to break his fast due to illness, lunacy or travel, is not discharged of expiation": If he fasted from dawn and performed sex while he was fasting but later went on to break his fast due to a valid excuse, then he must offer expiation. This is because the desecration of the fast occurred prior to him gaining the valid excuse. Hence, he is not discharged of the expiation.

متن ولا تجب الكفَّارةُ بغير الجماع في صيام رمضان، وهي عتق رقبة، فإن لم يجد فصيامُ شهرين متتابعين، فإن لم يستطع فإطعامُ ستين مسكيناً، فإن لم يجد سقطت

Expiation is only exacted if sex is performed by one fasting during the day in the month of Ramadān. The expiation is the manumission of a slave, if that is not possible fasting two months consecutively and if that is also not possible feeding sixty poor people. If this too is not possible, then one is discharged of the expiation.

"Expiation is only exacted if sex is performed by one fasting during the day in the month of Ramadān": Expiation is not *wājib* on any other nullifiers or violations. If one eats and drinks deliberately during the day in Ramadān or does some other act that nullifies his fast, it would suffice him to make up the day by fasting on another day. He does not have to offer expiation for nullifying his fast as the Prophet ﷺ only ordered that expiation be exacted upon the individual who performs sex while fasting in the month of Ramadān.

"The expiation is the manumission of a slave, if that is not possible fasting two months consecutively and if that is also not possible feeding sixty poor people. If this too is not possible, then one is discharged of the expiation": This is the order of expiation for performing sex during the day in the month of Ramadān. It is similar to the expiation for committing *zihār*. Allah says: **{And those who pronounce *zihār* from their wives and then [wish to] go back on what they said - then [there must be] the freeing of a slave before they touch one another. That is what you are admonished thereby; and Allah is Acquainted with what you do. And he who does not find [a slave] - then a fast for two months consecutively before they touch one another; and he who is unable - then the feeding of sixty poor persons.}**[416]

The Prophet ﷺ commanded the man who came to him seeking atonement for having had sex during the day in Ramadān to expiate for his sin by doing one of these acts in the same order of priority.

The question arises: What if one is not able to manumit a slave, fast consecutively for two months or feed sixty poor people? Will the expiation be absolved? Is he discharged of it?

There are two views to this issue. The author appears to gravitate to the view that it is absolved and the person need not expiate for his deed. The Prophet ﷺ did not tell the man that he still had the duty to expiate for his deed after having excused him of all the acts of expiation. This is proof that it was absolved.

The second view of the scholars is that it remains a responsibility upon the person to expiate himself from the deed as and when he is able to do so.[417]

416 Al-Mujādilah: 3-4

417 See *al-Insāf* (3/323).

The preferred view, and Allah knows best, is that it remains a responsibility upon the individual to expiate himself. This is because it is a debt due to Allah and all debts remain due upon a person until such a time when he is able to settle it. Indeed the Prophet ﷺ said, "Settle Allah's dues for He is more deserving of the settlement."[418]

418 Reported by al-Bukhārī (3/32), (9/125) from the narration of 'Abdullah ibn 'Abbās.

باب ما يكره ويستحب وحكم القضاء

CHAPTER: WHAT IS DISLIKED, THAT WHICH IS RECOMMENDED AND THE RULES PERTAINING TO MAKING UP THE FAST

متن

يكره جَمْعُ رِيْقِهِ فيبتلعه، ويَحْرُمُ بَلْعُ النُّخامةِ، ويُفْطِر بها فقط إن وصلتْ إلى حَلْقِه، ويُكره ذوقُ طعامٍ بِلا حاجة، ومَضْغُ عِلْكٍ قويٍ، وإن وَجَد طَعْمَهُما في حَلْقه أفطر، ويَحْرُم العِلْكُ المُتَحلِّل إن بَلَعَ رِيقَه

Amassing saliva and swallowing it is disliked. It is forbidden to swallow phlegm and the fast is nullified only if he swallows phlegm after it reaches his mouth. Tasting food unnecessarily is disliked as is chewing upon strong plant resin or Arabic gum. The fast is nullified if he tastes it in his throat. That which melts is forbidden when swallowed along with saliva.

The author explained thus far that nullifiers of fast are of two categories: that which requires expiation and that which does not. In this chapter, he elaborates upon the matters that are disliked while fasting but do not nullify the fast.

"Amassing saliva and swallowing it is disliked": A person who is fasting should not collect his saliva and then swallow it. It is akin to drinking. However, it does not nullify the fast. It is disliked as it is an infringement to the fast.

"It is forbidden to swallow phlegm and the fast is nullified only if he swallows phlegm after it reaches his mouth": The phlegm in the throat when expelled to the mouth should be spat out. If he swallows it deliberately, his fast is nul-

lified as the phlegm had reached his mouth which is equivalent to him having consumed something. If the phlegm is swallowed without a deliberate action upon his part, then his fast is valid.

"Tasting food unnecessarily is disliked": Though it is permissible when the need arises. It is allowed as long as no swallowing of food takes place when one tastes it. Tasting of food without valid reason is disliked but will not render the fast invalid.

"As is chewing upon strong plant resin or Arabic gum. The fast is nullified if he tastes it in his throat": A person who is fasting should not chew on strong plant resin which is also known as Arabic gum as some of it can dissolve into the saliva and enter the throat. Furthermore, chewing it results in the amassing of saliva. As mentioned earlier, swallowing amassed saliva is disliked.

"That which melts is forbidden when swallowed along with saliva": Arabic gum that is soluble or that which melts easily is most disliked. This is because it easily dissolves and enters the throat. If one chews it and tastes it in his throat, then his fasting is nullified.

متن وتُكره القُبلةُ لمن تُحرِّك شهوتَه

Kissing is disliked if it arouses him sexually.

"Kissing is disliked if it arouses him sexually": If kissing his wife stimulates him sexually and arouses him, then it is disliked. This is because it may lead to an ejaculation due to the arousal. It is disliked for the young adult. The elderly who is not sexually aroused by kissing his wife may do so. The Prophet ﷺ used to kiss his wives while he was fasting. This is because he ﷺ could control his desires as mentioned by 'Aishah, "He used to have control over temptations."[419]

متن ويجب اجتنابُ كذبٍ وغِيْبةٍ وشَتْمٍ

It is *wājib* to avoid telling lies, backbiting and using vulgarities.

"It is *wājib* to avoid telling lies, backbiting and using vulgarities": These are things forbidden for the one fasting but they do not render the fast invalid.

419 Reported by al-Bukhārī (3/38-39) and Muslim (3/135) from the narration of 'Aishah.

They are nullifiers in essence only. An example would be backbiting (*ghībah*). When one speaks ill of his Muslim brother in a manner which the latter may dislike, he has engaged in backbiting. Slandering (*namīmah*) is the act of spreading defamatory remarks amongst people. Using vulgarities, cursing and other similar articulations must be avoided. All of the above mentioned deeds are forbidden for Muslims whether one is fasting or not. They are definitely graver sins when one is fasting as they deplete the reward so much so that nothing remains. What remains is lethargy, thirst and hunger only. The Prophet ﷺ said, "He who does not avoid ill speech, the actions related to it and ignorance, Allah does not require that he refrain from his food and drink."[420]

These actions and speech are always prohibited, not just in the month of Ramadān or when one is fasting. However, the heinousness of these deeds is heightened when one is fasting. It may not just lessen the rewards of fasting, it may deplete it completely. The Prophet ﷺ had described fasting as a shield,[421] meaning a protection. Hence any shield which is riddled with holes is of no use to the owner as it does not protect him from the arrows shot by the enemy.

If the shield is strong and well-crafted, then he is protected from the enemies' weapons. Similarly, a fast that is free of backbiting, slander and all other forms of ill speech and vulgarities will protect him from Allah's punishment. If the fast is tarnished by backbiting, slandering, vulgarities and curses, then his fast will not spare him from sin or the punishment of Allah.

Even when he is cursed or scolded, the person who is fasting should not reciprocate though responding in kind is permissible. Allah says: **{And the retribution for an evil act is an evil one like it, but whoever pardons and makes reconciliation - his reward is [due] from Allah.}**[422] And He says: {**And whoever avenges himself after having been wronged - those have not upon them any cause [for blame.]}**[423]

Qisās (revenge) is permitted if one verbally abuses you. You may retort with similar speech. However, the person who is fasting should not do so even if he

---

420 Reported by al-Bukhārī (3/33), (8/21) from the narration of Abu Hurairah.

421 Reported by al-Bukhārī (3/31) and Muslim (3/157) from the narration of Abu Hurairah, which is a *marfū'* report.

422 Al-Shūrā: 40

423 Al-Shūrā: 41

is cursed or sworn at. Instead, he should say, "Verily I am fasting, verily I am fasting."[424]

متن

وسُنَّ لمن شُتِمَ قولُه: إني صائم

It is Sunnah for him who is sworn at to say, "Verily I am fasting."

The author states here that this is a Sunnah or *mustahabb* for the one who is sworn at, verbally abused or cursed. Surely these vile words hurt the feelings of the person who is targeted. There is no doubt that Allah has permitted a retort in kind (*qisās*) saying: **{And the retribution for an evil act is an evil one like it, but whoever pardons and makes reconciliation - his reward is [due] from Allah.}**[425]

This ordainment includes retribution of all forms, be it a killing, injury or verbal abuse. It is permissible for the person who is fasting to respond with a similar verbal abuse for it is *qisās* and it is only fair. However, if the individual is patient and does not retort to the verbal abuse, it is better. Allah says: **{But whoever pardons and makes reconciliation - his reward is [due] from Allah.}** This is intended as a universal address. Hence, the advice is more apt for him who is fasting. It is *mustahabb* for him to say instead, "Verily I am fasting." To impress upon the other party that his refrain from a retort is due only to his fast so that its sanctity is preserved.

His saying, "Verily I am fasting," does not allude to boasting about the fact that he is fasting. In fact, saying so is to his advantage as a bad deed is averted. He says so not in conceit, but to eschew evil and sin by reminding himself of his present status as one who is fasting. If a retort to verbal abuse is not permitted, imagine the prohibition of initiating the swearing and cursing whilst one is fasting. Verily, "The believer is not one who defames, nor is he obscene nor foul"[426] in all aspects. Whilst he is fasting, he is more cautious in avoiding any ill speech as it will erode the reward of the fast and render it of no value. It is not permissible for a Muslim to start swearing and cursing at people and verbally abuse them while he is fasting. It not only depletes the reward of his

424 Reported by al-Bukhārī (3/31) and Muslim (3/157) from the narration of Abu Hurairah.

425 Al-Shūrā: 40

426 Reported by Ahmad (1/404, 416) and al-Tirmidhī (1977) from the narration of 'Abdullah ibn Mas'ūd.

fast but it also adds to his sins due to the use forbidden language.

متن وتأخيرُ سحورٍ وتعجيلُ فِطْرٍ على رُطَبٍ، فإن عَدِمَ فَتَمْرٌ، فإن عَدِمَ فماءٌ، وقولُ ما وَرَدَ

One should delay the *suhūr* and hasten to break the fast with *rutub*. If nothing else is available, then with dates and if dates are not available then with water. He then says what has been transmitted.

"Hasten to break the fast": It is *mustahabb* for the person who is fasting to hasten to break his fast as soon as the sun has set. The Prophet ﷺ said, "When the night descends from there and day retreats to there and the sun sets, the fasting person should break his fast."[427] This is in accordance to the command of Allah that Muslims break their fast at the stroke of night fall. He says: **{And eat and drink until the white thread of dawn becomes distinct to you from the black thread [of night]. Then complete the fast until the sunset.}**[428]

Night begins with the setting of the sun and so one should hasten to break his fast in accordance to Allah's command. He should not try to exceed that which is prescribed for a particular form of worship. The evidence above serves as a refutation for those who delay breaking their fast claiming that it is a sign of their love of goodness and which signifies their piety. It is in fact the action of the innovators who break their fast only after the stars become apparent in the sky. It is a sign of their waywardness and is contrary to the Sunnah. The most beloved worshippers of Allah hasten to break their fast.[429]

"With *rutub*": *Rutub* are dates in the early stage of ripening. If they are not available, then he may break his fast with *tamr* (dried dates). If this is not available, then he may break his fast with water. The Prophet ﷺ used to break his fast with *rutub*. If *rutub* were not available, he would eat dried dates. If even dry dates were not available, he would sip a small quantity of water.[430]

427 Reported by al-Bukhārī (3/46) and Muslim (3/132) from the narration of 'Umar ibn Khattāb.

428 Al-Baqarah: 187

429 Reported by Ahmad (2/237, 329) and al-Tirmidhī (700) from the narration of Abu Hurairah.

430 Reported by Ahmad (3/164), Abu Dawūd (2356) and al-Tirmidhī (696) from the narration of Anas ibn Mālik.

Dates, whether fresh or dry, are very beneficial if eaten on a stomach empty of food and drink. Hence, one should eat them first when breaking the fast. It has medical properties of great value aside from being the best dessert. Its sweetness is compared to the sweetness of faith by Ibn al-Qayyim in his book *Zād al-Ma'ād*.[431] There are benefits to eating fresh and dried dates when breaking the fast from an Islamic perspective. If dates are not available, he may break his fast by drinking plain water first. Water is pure and there are medical benefits in drinking it on an empty stomach too. This has been proven by doctors. Hence, these are *mustahabb* only. It is perfectly fine for one to break his fast with other than dates and water. He may consume any foodstuff or fruit when breaking the fast as this is permissible. However, it is better to start the *iftār* with dates and water as they have medical benefits and benefits from the Islamic perspective.

One should not have a lavish spread of foodstuff for *iftār* and then go on to eat to his stomachful. Doing so is not only medically harmful, it also makes one lethargic and he may shun prayers as a result. What is worse is that some people sit at the table that has a vast variety of food laid on it and they become too engrossed over the food, delaying joining the congregational prayer. At times they miss the congregational prayer altogether. Missing the congregational prayer is forbidden. Since all means to a prohibited end are themselves prohibited, eating excessively is forbidden. He should have a light *iftār* so that it does not take up much time. Therefore, he would not have to miss the congregational prayer.

"Delay the *suhūr*": It is *mustahabb* to delay the *suhūr* (pre-dawn meal) such that one has this meal at the end of the night when dawn is imminent. Allah, the Most High and Dignified, says: **{And eat and drink until the white thread of dawn becomes distinct to you from the black thread [of night]. Then complete the fast until the sunset.}**[432] The Prophet ﷺ used to delay the *suhūr* until dawn. Those who consume their *suhūr* early contradict the Sunnah. They have this meal and then go to sleep, thereby missing the congregational *fajr* prayer. Most often, they do not wake up for *fajr* prayer and perform it after its prescribed time. These people behave in contrary to the Sunnah by delaying their *suhūr*. A more heinous crime is to miss congregational prayer and to perform it outside its prescribed time while they are fasting. And Allah's protection is

431 See *Zād al-Ma'ād* (2/50-51).

432 Al-Baqarah: 187

sought.

There is no doubt that sins and doing forbidden acts are more harmful when one is fasting. It is *wājib* that these people refrain themselves from doing these terrible deeds. Perhaps they may not earn a single reward from their fasts for they deplete their rewards by committing evil deeds and sinful acts. They become the greatest losers in the end.

The Prophet ﷺ said, "That which distinguishes our fasts from the fasts of the people of the book is the eating of *suhūr*."[433] Will only eating foodstuff be considered as *suhūr* or can one just have a drink for *suhūr*?

Consuming good, healthy food before dawn is permissible. However, one should have a meal that will assist him in fasting throughout the day to supplement the calories that he needs. Restricting oneself to just a drink or something similar will not be of much benefit during the day when he is fasting, although the Sunnah of *suhūr* is achieved by this minimal consumption.

متن

ويُستحَبُّ القضاءُ مُتتابِعاً، ولا يجوز إلى رمضانَ آخَرَ من غيرِ عذرٍ

It is *mustahabb* to fast consecutively when making up for the fasts that were missed. It is not permissible to leave them off until the next Ramadān unless there is a valid excuse.

After having elaborated upon the etiquettes and the recommended acts of fasting, the author proceeds to explain the rules pertaining to the making up of missed fasts.

Fasts that were missed in the month of Ramadān due to a valid excuse such as illness, travel, menses and post-natal bleeding must be made up on other days. Those possessing good reasons to break their fast during the day in the month of Ramadān which are legislated as valid excuses in Islam, are obliged to make up the fast in the days outside of Ramadān. Allah says: **{But whoever among you is sick or on a journey, then [he shall fast] a [like] number of other days.}**[434]

433 Reported by Muslim (3/130, 131) and Ahmad (4/197, 202) from the narration of 'Amr ibn 'Ās.

434 Al-Baqarah: 184

"It is *mustahabb* to fast consecutively when making up for the fasts that were missed. It is not permissible to leave them off until the next Ramadān unless there is a valid excuse": If one missed fasts during Ramadān, it is *mustahabb* to make up the missed fasts immediately after Ramadān. It is also *mustahabb* that he fasts them consecutively. It is permissible though to delay them to a time closer to the following Ramadān. If he delays making up the missed fasts to just before the following Ramadān, then it becomes *wājib* upon him to fast the rest of the days to make up for the missed fasts of the previous Ramadān. This is to prevent him from beginning the fasts for the proceeding Ramadān whilst he still has not made up for the missed fasts of the previous Ramadān.

However, if time is not of the essence, he has a free choice to expedite or delay making up for the missed fasts although expediting them is better. This is because expediting displays an enthusiasm to perform acts of worship and zeal towards obeying Allah's commands. It also shows that he is keen to fulfil his responsibilities. Indeed, man does not know what awaits him. Therefore, if there is a window of opportunity, one should resort to accomplish his obligations towards Allah. In this light, it becomes *wājib* upon him to hasten to fulfil the missed acts of worship.

It is also permissible to stagger the days in which one wishes to make up the missed fasts. However, doing so on consecutive days is better as it is means of hastening towards the obedience of Allah. Furthermore, doing so allows him ample time to achieve his target.

متن فإن فعل فعليه مع القضاءِ إطعامُ مسكينٍ لكل يومٍ

If he does so, then he is obliged to make up the missed fasts and feed the poor for each day of the missed fasts.

"If he does so, then he is obliged to make up the missed fasts and feed the poor for each day of the missed fasts": If he delays making up for the missed fasts until the start of the following Ramadān, he should fast that month and then hasten to make up for the fasts missed in the previous Ramadān. He is not excused for the fasts that he has not made up. Self-retrospection is called for at this juncture to identify the reason for the delay in making up for the missed fasts. If there was no valid excuse for his action, then he is sinful for this delay. There are two ways to remedy this:

Firstly: He should make up for the missed fasts from the previous Ramadān. His obligation will not be fulfilled without it, even though many years have passed.

Secondly: He must offer an expiation. He should feed a poor person for each day a fast was missed as expiation for delaying to make up for the missed fasts without a valid excuse.

If a person had a valid excuse for example a journey or he had an illness due to which he was permitted to refrain from fasting, and both the journey and illness were prolonged such that it caused him to delay making up the missed fasts until the arrival of the following Ramadān. In this case, it is perfectly fine for him to delay it as there is a valid excuse. Once the present Ramadān is over, he only has to make up for the missed fasts. Expiation is not *wājib* upon him.

متن

وإن مات ولو بعد رمضان آخر، وإن مات وعليه صوم أو حجٌ أو اعتكاف أو صلاةُ نذرٍ استُحِبَّ لوليِّه قضاؤُه

Even if he dies after the following Ramadān and if he dies before fulfilling a fast, Hajj, *i'tikāf* or prayers of vow, it is *mustahabb* that his guardian do so on his behalf.

"Even if he dies after the following Ramadān": This underscores the fact that missed fasts remain an obligation upon a person even after the arrival of another Ramadān after the one in which he missed fasts. If there was no valid reason for the delay in making up for the missed fasts, he is obliged to offer expiation by feeding a poor person for each day of missed fasts. He must also make up for the fasts that he missed. If he were to die before making up for the missed fasts, the poor people must be fed with the money he left behind. According to the tenets of the *Sharī'ah*, his guardian need not fast on his behalf for the days he missed fasting.

"And if he dies before fulfilling a fast, Hajj, *i'tikāf* or prayers of vow": If he died before fulfilling a fast, a pilgrimage or an *i'tikāf* he had vowed to perform, then it shall remain an obligation upon him even after death. It is a debt he owes to Allah ﷻ.

"It is *mustahabb* that his guardian do so on his behalf": His guardian or more

specifically his next of kin should perform these *wājib* acts on behalf of the deceased. The Prophet ﷺ said, "He who died without fulfilling a fast he had vowed to do, it shall be fulfilled by his guardian."[435]

435 Reported by al-Bukhārī (3/45) and Muslim (3/155) from the narration of 'Aishah.

باب صوم التطوع
CHAPTER: SUPEREROGATORY FASTS

"Chapter: Supererogatory Fasts": Having provided details of the obligatory fast, the author moves on to discussing the supererogatory prayer. Allah has supplemented each obligatory act of worship with a supererogatory act similar to it. This is a bonus reward and it serves to fill any shortcomings that might occur in the performance of the obligatory acts of worship. Obligatory prayers are supplemented by *nafāwil* prayers, *rawātib* prayers and *tahajjud* prayers. Obligatory fasts are supplemented by supererogatory fasts which add to the goodness of a magnificent act of piety.

متن يسن صيامُ أيامِ البيضِ، والاثنين والخميس وستٍ من شوال، وشهـر المحرَّم، وآكدُه العاشرُ ثم التاسَعُ، وتسعِ ذي الحجة، ويومِ عَرَفَةَ لـغير حـاج بها، وأفضلُه صومُ يومٍ وفطرُ يومٍ

It is Sunnah to fast on *ayyām al-bīdh*, Mondays and Thursdays, six days in Shawwāl, the month of Muharram, the most prominent of which is the tenth and then the ninth, the first nine days of Dhul-Hijjah and the day of 'Arafah for non-pilgrims. The best is to fast every other day.

There are a variety of voluntary fasts as mentioned by the author. Each of the types is substantiated by evidence from the Qur'ān and the Sunnah. They are:

<u>First</u>: "It is Sunnah to fast on *ayyām al-bīdh*": This means "the white days". It refers to fasting three days in a month. It is so termed as it is *mustahabb* to fast the middle three days of the month, thirteenth, fourteenth and fifteenth, which coincide with the appearance of the full moon. Since the night is lit

brightly by the full moon, it is called "the white days". If a person fasts earlier or later days of the month, it is acceptable and similar rewards are earned. However, fasting on the thirteenth, fourteenth and fifteenth is better.

Second: "Mondays and Thursdays": I.e. fasting these two days every week. The Prophet ﷺ used to fast these two days. The deeds of the slave are presented to Allah on these two days and so, as mentioned in the hadīth,[436] it is *mustahabb* to be in a state of fasting when one's deeds are presented to the Almighty.

Third: "Six days in Shawwāl": The Prophet ﷺ said regarding fasting six days in the month of Shawwāl, "Whoever fasts the month of Ramadān and supplements it by fasting six days in Shawwāl, it is as if he fasted the whole year."[437] That is, as if he fasted voluntarily for the entire year. Fasting the month of Ramadān is equivalent to fasting ten months. Fasting six days in Shawwāl is equivalent to fasting two months (sixty days). Hence, it adds up to twelve months; which is a year. It is *mustahabb* to fast six days in the month of Shawwāl regardless if one fasts at the start of the month, in the middle, or at the end of the month. One may opt to fast consecutive days or fast single days throughout the month.

Fourth: "The month of Muharram": That is, the voluntary fasts in this month. The Prophet ﷺ used to urge his Companions to fast as many days as they could in the month of Muharram for it is a significant month.

"The most prominent of which is the tenth and then ninth": The tenth of Muharram is known as Ashūrā. A great event took place on this day. Fir'awn and his people were drowned and Mūsa ﷺ and his people were rescued on this day. It is *mustahabb* to fast on this day. The Prophet ﷺ said, "Fasting on the day of Ashūrā, as I seek Allah's recompense, shall expiate the sins of the past year."[438] The Prophet ﷺ fasted on this day and commanded others to do likewise. When he ﷺ arrived in Madīnah, he observed that the Jews were fasting on this day and so he enquired to them regarding it. They replied that it was the day that Allah dignified Mūsa and his people and humiliated Fir'awn and his people. Mūsa fasted on this day as a sign of gratitude to Allah and

436 Reported by al-Tirmidhī (747), Ibn Mājah (1740) from the narration of Abu Hurairah.

437 Reported by Ahmad (5/417, 419) and Muslim (3/169) from the narration of Abu Ayūb al-Ansārī.

438 Reported by Muslim (3/167) from the narration of Abu Qatādah al-Ansārī.

therefore the Jews fasted on the day as a sign of gratitude to Allah. On hearing this, the Prophet ﷺ said, "We have more right to Mūsa than you." He then fasted this day and commanded others to fast it as well.[439] When the Prophet ﷺ was informed that the Jews fast on this day, he said, "Differ with them. Fast another day before or after it."[440] He ﷺ also said, "If I am alive next year, I shall fast the ninth and the tenth."[441] Hence it is *mustahabb* to fast on the tenth of Muharram along with a day before it or after it so as to distinguish ourselves from the Jews.

Fifth: "The first nine days of Dhul-Hijjah": It is *mustahabb* to fast these days as the Prophet ﷺ said, "There are no days wherein pious deeds are more esteemed and beloved to Allah than these ten days." It was asked, "O Messenger of Allah, not even fighting in the cause of Allah?" He replied, "Not even fighting in the cause of Allah, except that of a man who went out [to fight] with his soul and his wealth but returned with nothing."[442] Fasting is considered a pious deed on these nine days. In fact, fasting is among the best deeds as elaborated by the Messenger of Allah ﷺ in many narrations.

Sixth: "And the day of 'Arafah for non-pilgrims": The Prophet ﷺ said regarding fasting on the day of 'Arafah, "Fasting on the day of 'Arafah shall expiate the sins of the past year and the year following it."[443] However, fasting on this day is only *mustahabb* for non-pilgrims. Those performing Hajj are not recommended to fast as they stand at the plains of 'Arafah. In fact, it is better for them to refrain from fasting, thereby following the example of the Prophet ﷺ. He stood at the plains of 'Arafah and did not fast. This was so that he would have sufficient energy to spend that day making invocation to Allah. Hence, it is not a Sunnah for pilgrims to fast on the day of 'Arafah.

Seventh: "The best is to fast every other day": Those who wish to supplement the six types of encouraged fasts that are mentioned above may fast every other day. It is a *mustahabb* act to fast one day and refrain from fasting the next day

439 Reported by al-Bukhārī (3/57), (4/186) and Muslim (3/150) from the narration of 'Abdullah ibn 'Abbās.

440 Reported by Ahmad (1/241) and Ibn Khuzaymah (2095).

441 Reported by Muslim (3/151).

442 Reported by al-Bukhārī (2/24) and Ahmad (1/224) from the narration of 'Abdullah ibn 'Abbās.

443 Reported by Muslim (3/167) from the narration of Abu Qatādah al-Ansārī.

and then fast the following day. The Prophet ﷺ said, "The best of fasts is the fast of Dawūd ﵇ who used to fast every other day."[444]

One should not continue fasting such that he fasts the whole year without breaking his fast. This was forbidden by the Prophet ﷺ. When a man said, "As for me, I shall fast and never break my fast." The Prophet ﷺ replied, "As for me, I fast and I break my fast. Whoever dislikes my Sunnah is not from me."[445] The Prophet ﷺ also said, "There is no fast for him who fasts throughout the whole year (i.e. continuously)."[446] And in another route, "There is no fast and there is no breaking of the fast."[447]

متن ويُكره إفرادُ رجبٍ والجمعة والسبت والشكّ بصوم

To single out the month of Rajab for fasting is disliked as is fasting on Friday, Saturday and the day of doubt.

We shall now discuss the fasts that are disliked as legislated in Islam. They are as follows:

First: "To single out the month of Rajab": Or to single out particular days during this month for fasting is not permissible. However, one may fast some days of Rajab as he would do in other months. If he has made it his habit to fast *ayyām al-bīdh*, then he may fast these three days in Rajab as he would do in the rest of the months. If it is his habit to fast Mondays and Thursdays every week, then he should carry on with this habit even in the month of Rajab. It is only impermissible to designate to the month of Rajab significance where one fasts exclusively therein.

Second: "Friday": To fast Friday individually is disliked. This is because Friday is the 'Eid day of the week. However, one may fast Friday consecutively with other days.

444 Reported by al-Bukhārī (2/63) and Muslim (3/165) from the narration of 'Abdullah ibn 'Amr ibn al-'Ās.

445 Reported by al-Bukhārī (7/3) and Muslim (4/129) from the narration of Anas ibn Mālik where he narrates the incident.

446 Reported by al-Bukhārī (3/53) from the narration of 'Abdullah ibn 'Amr ibn al-'Ās.

447 Reported by Muslim (3/167).

Third: "Saturday": Fasting Saturday individually is disliked for it is the Sabbath of the Jews. However, it is permissible to fast on Saturday along with other days consecutively. The correct opinion however, is that it is permissible to fast Saturday alone for the hadīth which forbids it is unauthentic.[448]

Fourth: "And the day of doubt": I.e. it is disliked to fast on this day. The correct opinion is that it is forbidden to fast on this day as the Prophet ﷺ forbade fasting a day or two before Ramadān.[449] 'Ammār ﷺ said, "Whosoever fasts the day wherein there is doubt (regarding the arrival of Ramadān), has defied Abu al-Qāsim (the Messenger of Allah) ﷺ."[450]

متن ويحرمُ صومُ العيدين وأيام التَّشْريق ولو في فرض، إلا عن دم مُتعةٍ وقِـرَانٍ

It is forbidden to fast on the two days of 'Eid; not even the obligatory fasts. Likewise, it is forbidden to fast on the days of *tashrīq* unless one has to fast as a penalty when performing *mut'ah* or *qirān* pilgrimage.

The following are prescribed as forbidden fasts:

First: "It is forbidden to fast on the two days of 'Eid": 'Eid al-Fitr and 'Eid al-Adha. It is *wājib* to refrain from fasting on both of these days. He who fasts on these two days has disobeyed Allah and His Messenger. These are days of eating, drinking and the remembrance of Allah.

"Not even the obligatory fasts": The making up of obligatory fasts is forbidden during these two days as are fasts of vow. Both obligatory and voluntary fasts are not permitted during the days of 'Eid.

Second: "The days of *tashrīq* unless one has to fast as a penalty when performing *mut'ah* or *qirān* pilgrimage": It is forbidden to fast on the days of *tashrīq* i.e. the eleventh, twelfth and thirteenth of Dhul Hijjah. The Prophet ﷺ said, "The days of *tashrīq* are days of eating, drinking and the remembrance of Allah."[451]

---

448 It is mentioned in *al-Insāf*, "Shaykh Taqī al-Dīn preferred the view that fasting Saturday alone is permissible and most scholars are of this view too." (3/347)

449 Reported by al-Bukhārī (3/35, 36) and Muslim (3/125) from the narration of Abu Hurairah.

450 Reported by Abu Dawūd (2334), al-Tirmidhī (686) and al-Nasā'ī (4/153).

451 Reported by Muslim (3/153) from the narration of Nubayshah al-Hadhalī.

The only exceptions to this are the pilgrims who perform the *tamattu* and *qirān* forms of Hajj and were not able to sacrifice. Allah says: **{Whoever performs 'Umrah followed by Hajj [offers] what can be obtained with ease of sacrificial animals. And whoever cannot find (or afford such an animal) - then a fast of three days during Hajj.}**[452]

If the pilgrim did not fast the three days before the day of 'Arafah then he must do so on the days of *tashrīq*. This is based on the hadīth narrated by 'Aishah who said, "Women were not permitted to fast on the days of *tashrīq* except to fulfil the penalty of *mu'tah* and *qirān*."[453] Other types of fasts, regardless if they are obligatory or voluntary fasts, are completely disallowed during the days of *tashrīq*.

متن ومن دخل في فرضٍ موسَّعٍ حَرُم قَطْعُه

It is forbidden to prematurely severe an obligatory act of worship while performing it given that there are no time constraints for accomplishing it.

"It is forbidden to prematurely severe an obligatory act of worship while performing it given that there are no time constraints for accomplishing it": For example the obligatory prayer at its earliest prescribed time, making up a missed fast when there are no time constraints or while performing an act of vow. Severing an obligatory act mid-way is not permitted without a valid excuse. Severing the obligatory act is tantamount to violating a mandatory pact whilst the pact calls for the completion of the task.

متن ولا يَلْزَمُ في النَّفْل، ولا قضاءُ فاسدِهِ إلا الحج

There is no obligation on completing a *nafl* act nor must it be made up if severed except for Hajj.

"There is no obligation on completing a *nafl* act": There is no obligation that one must complete a voluntary act of worship. If a person commences a voluntary fast and then desires to cease fasting in the middle of the day, he is permitted to do so. Let us assume that he was invited to a wedding feast or something of that nature took place which entices him to break his voluntary

452 Al-Baqarah: 196

453 Reported by al-Bukhārī (3/56).

fast prematurely. There is nothing wrong in him breaking his fast before completing it. This is because he has sole prerogative over *nafl* acts of worship as mentioned in the hadīth, "If he wishes, he may complete it and if he wishes he may break the fast."[454] He has a similar choice pertaining to the *nafl* prayers. He may abruptly stop praying and is not obliged to complete the prayer.

"Nor must it be made up if severed": He is not obliged to make up for the voluntary act that he performed incompletely. If, for example, he fasted a voluntary fast and then had sexual intercourse in the day. This is permissible as he is allowed to break his fast abruptly by eating, drinking or having sexual intercourse. If he had sexual intercourse, he need not make up the voluntary fast nor offer an expiation.

"Except for Hajj": This refers to a voluntary pilgrimage. He is obliged to complete it if it was severed by sexual intercourse. If, for example, he had sexual intercourse before the first *tahallul*, then his pilgrimage becomes nullified. He must sacrifice an animal as *fidyah* (penalty) and make up for the pilgrimage the following year.

متن **وتُرْجَى ليلةُ القدر في العُشْرِ الأخير، وأوتارُه آكدُ، وليلةُ سبع وعشرينَ أبلغُ، ويدعو فيها بما وَرَدَ**

Laylat al-Qadr is anticipated during the last ten nights of Ramadān. It most probably falls on the odd dates. It is expected to be the twenty seventh night. He supplicates during these nights with transmitted supplications.

"Laylat al-Qadr is anticipated during the last ten nights of Ramadān. It most probably falls on the odd dates. It is expected to be the twenty seventh night": Allah has made in the month of Ramadān a night better than one thousand nights and it is called Laylat al-Qadr. Allah said, **{Indeed, We sent the Qur'ān down during the Night of Decree. And what can make you know what is the Night of Decree? The Night of Decree is better than a thousand months.}**[455] And he said, **{Indeed, We sent it down during a blessed night.}**[456] This refers to Laylat al-Qadr and that it falls in Ramadān. However, He has not informed

454 Reported by al-Bukhārī (3/31) and Muslim (3/46) from the narration of 'Aishah with regards to fasting on the days of Ashūrā.

455 Qadr: 1-3

456 Dukhān: 3

us of the exact night that it will occur. The wisdom behind this is so that Muslims will strive to achieve its reward throughout all the nights of Ramadān, thus assuring himself of Allah's reward. He who strives to achieve the rewards of Laylat al-Qadr each night of Ramadān will indeed earn it eventually. For this, he stands in prayer throughout the whole month of Ramadān and is rewarded double-fold. He receives the rewards of standing in prayer each night of Ramadān and on top of that earns himself the rewards of the Night of Power. In which part of the month will Laylat al-Qadr occur? This is not a matter that can be said with full conviction as it might occur during the first ten nights, the middle ten nights or the last ten nights of Ramadān.

However, it is anticipated to occur during the last ten nights of Ramadān for the Prophet ﷺ used to actively expect it then. He even used to make *iktikāf* at the *masjid* during the last ten nights of Ramadān[457] and strive hard in standing for prayer in these nights more than any other nights.[458] Therefore this is an apparent proof that Laylat al-Qadr was greatly anticipated during the last ten nights of Ramadān. The twenty seventh night is the night in which the Night of Power is most anticipated based on evidence that cites that Laylat al-Qadr most probably occurs on this night.

Imām Ahmad was of the opinion that it most probably occurs on the twenty seventh night.[459] It may occur on any of the last ten nights: the twenty first, twenty third or the twenty seventh nights. However the twenty seventh is the most likely.

"He supplicates during these nights with transmitted supplications": One should strive to make supplications during Laylat al-Qadr for it is a night in which all supplications are answered. It is *mustahabb* to supplicate a particular *duā'* during the last ten nights. It was narrated by 'Aishah that she asked the Prophet ﷺ, "O! Messenger of Allah, what should I say if I chance upon the Night of Power?" He replied, say, "*Allahumma innaka 'afuwwun tuhibu al-'afwa fa'fu 'anni.*" (O Allah, verily you are forgiving and love forgiveness, so forgive me.)[460] It is recommended to repeat this *duā'* often during the last ten nights

457 Reported by al-Bukhārī (3/62) and Muslim (3/174) from the narration of 'Abdullah ibn 'Umar and 'Aishah.

458 Reported by Muslim (3/176) from the narration of 'Aishah.

459 See *al-Insāf* (3/355).

460 Reported by Ahmad (6/171, 182), al-Tirmidhī (3513), al-Nasā'ī under "Deeds done in the

in which the Night of Power is anticipated.

morning and night" (872) and Ibn Mājah (3850).

بـــاب الاعـتكاف
CHAPTER: I'TIKĀF

"Chapter of *I'tikāf*: *I'tikāf* (retreating in the *masjid*) is a deed associated with the month of Ramadān. *I'tikāf* is permissible throughout the year but it is especially meritorious during the month of Ramadān. The Prophet ﷺ used to do *i'tikāf* during the last ten days of Ramadān in an effort to gain the abundant rewards of Laylat al-Qadr.

I'tikāf in linguistic terms refers to residing or staying put at a place. Anyone who stays at a place and has an intention to be there indefinitely is considered to be a *mu'takif* (someone who does *i'tikāf*).[461]

As for the technical definition, it is the act of staying or residing in the *masjid* day and night to worship Allah.[462] He secludes himself in the *masjid* so that he may focus solely on the worship of Allah; performing *dhikr*, reading the Qur'ān and other acts of worship. He frees himself from the distractions of the worldly life and withdraws into the *masjid* to focus on worship. This is the definition of *i'tikāf* as legislated in Islam. It is more recommended that he do so in Ramadān than in other months. Nevertheless, performing *i'tikāf* in other months is rewarded as well.

متن

وهو لزومُ مسجدٍ لطاعةِ الله تعالى، مسنونٌ

It is the act of staying in the *masjid* for the sole purpose of worshipping Allah, the Most High. It is a Sunnah to do so.

---

461 See *Lisān al-Arab* (9/255).

462 See *al-Dar al-Naqī* (1/372).

"It is the act of staying in the *masjid* for the sole purpose of worshipping Allah, the Most High. It is a Sunnah to do so": This is the technical definition of *i'tikāf*. One must have an intention to reside in the *masjid* as all acts of worship are nullified without an intention. The Prophet ﷺ said, "Verily, deeds are by their intentions and verily to every man is what he intended."[463] If a person sat at the *masjid* for a prolonged period of time but did so without an intention, then he fails to earn the rewards of *i'tikāf*. Similarly, if he sat at a place other than a *masjid* with an intention to make *i'tikāf*, then it is considered an innovation. A Muslim will not perform *i'tikāf* other than in a *masjid*. Allah says: **{And do not have relations with them as long as you are staying for worship in the *masjids*.}**[464]

This is because making *i'tikāf* other than in a *masjid* may cause a person to miss the congregational prayer. Therefore, he will pray at his home; all the while thinking that he is secluding himself from the people so as to focus on the worship of Allah. He is in fact committing a sin by neglecting the congregational prayer. For this reason, *i'tikāf* is legislated to be performed at *masjids* and nowhere else.

I'tikāf must be performed with an intention to worship Allah and the objective is the obedience to Allah.

When *i'tikāf* is performed as a means to show-off and for the sole purpose of earning the praise of others or if its only objective is to seek seclusion from people, then this cannot be considered *i'tikāf*. This is because it does not include the intention to worship Allah through it nor does it include the intention to seek Allah's reward through the action.

I'tikāf is Sunnah and not *wājib*. It is recommended (*mustahabb*).

متن

ويصحُ بلا صوم، ويلزمان بالنَّذْر

It is acceptable when one is not fasting and they both become binding when one vows to perform it.

463 Reported by al-Bukhārī (1/2, 21), (3/190) and Muslim (6/48) from the narration of 'Umar ibn al-Khattāb.

464 Al-Baqarah: 187

"It is acceptable when one is not fasting": Performing *i'tikāf* when one is fasting is better. However, it is accepted when one performs it without fasting and he reaps the reward of *i'tikāf*. The evidence for this is the incident when 'Umar ﷺ asked the Prophet ﷺ regarding a vow he had made. He had vowed to perform *i'tikāf* in al-Masjid al-Haram for one night. The Prophet ﷺ commanded him to fulfil his vow.[465] It is obvious that there is no fasting during the night.

"And they both become binding when one vows to perform it": If a person vows to make *i'tikāf* while fasting, then it is binding upon him to do both in tandem. The Prophet ﷺ said, "Whoever makes a vow to obey Allah, then he shall obey Him."[466] *I'tikāf* is an act of worship as is fasting. Since he had vowed to perform two acts of worship, he must fulfil both.

متن ولا يصحُّ إلا في مسجدٍ يُجْمَع فيه، إلا المرأةَ ففي كلِّ مسجدٍ سوى مسجدِ بيتها

It is only permissible in a *masjid* wherein congregational prayers are held except women who may do so at any *masjid*, besides the prayer hall in their homes.

"It is only permissible in a *masjid* wherein congregational prayers are held": It is invalid if performed in a *masjid* wherein no congregational prayers are performed. This is to ensure that those who perform *i'tikāf* do not miss out on performing obligatory prayers in a congregation. If he insists on performing *i'tikāf* at such a *masjid*, then the likely scenarios are:

Firstly: He performs *i'tikāf* but fails to offer obligatory prayers in congregation. This is forbidden. A Muslim must not commit a sin in his effort to do a recommended action, in this case *i'tikāf*.

Second: He performs *i'tikāf* at the *masjid* but leaves it at the time of each prayer to attend the congregational prayer at another *masjid*. This nullifies his *i'tikāf*.

"Except women who may do so at any *masjid*, besides the prayer hall in their

465 Reported by al-Bukhārī (3/66) and Muslim (4/88) from the narration of 'Abdullah ibn 'Umar.

466 Reported by al-Bukhārī (8/177), Ahmad (6/36, 41), Abu Dawūd (3289), al-Tirmidhī (1526), al-Nasā'ī (7/17) and Ibn Mājah (2126) from the narration of 'Aishah.

homes": Women may perform *i'tikāf* in any *masjid* regardless of whether congregational prayers are offered therein or not. However, they should not perform *i'tikāf* at the prayer hall (*musallah*) in their homes as it does not constitute a *masjid*. Hence, it cannot be considered as *i'tikāf* and Allah knows best.

To summarise, the pre-requisite for an acceptable *i'tikāf* is that it be performed in a *masjid* wherein congregational prayers are conducted. We can infer from this pre-requisite that any seclusion that bars a person from performing the Friday prayer and congregational prayers is a type of seclusion not legislated in Islamic law. Unfortunately, there are innovators in the *dīn* who practice this. Ibn 'Abbās ﷺ was asked about a man who prayed the whole night and fasted throughout the day but did not attend the Friday prayer nor the congregational prayers. He replied: "He is in the hell fire."

Therefore, if the Friday prayer and congregational prayers are neglected due to any seclusion or isolation at a *zāwiyah* or a home, which is practiced by the innovators in the *dīn*, it is something beyond the laws legislated by Allah. It is a prohibition and not an act of worship. Acts of worship to Allah are conducted in His houses, i.e. the *masjids*. Allah says: **{[Such niches are] in *masjids* which Allah has ordered to be raised and that His name be mentioned therein; exalting Him within them in the morning and the evenings. [Are] men whom neither commerce nor sale distracts from the remembrance of Allah and performance of prayer and giving of *zakāt*. They fear a Day in which the hearts and the eyes will [fearfully] turnabout.}**[467]

This is the characteristic of the believer. They are those who frequent the *masjids*, and attend the Friday prayers and congregational prayers. They do not stay away from it due to laziness nor do they cite seclusion with their Lord or seclusion from the people as the reason for being absent from the *masjid*. This is the manner of the Christian monks. Allah has not prescribed this in our *dīn* nor was this practiced by His Messenger. Any seclusion that leads to the shunning of congregational prayers and the gatherings of Muslims is an innovation indeed. It is a sin to practice this kind of seclusion. It becomes our duty to warn the people against such a practice. It is legislated in Islamic law to attend the Friday prayer, congregational prayers and to frequent the *masjids*. These deeds earn the pleasure of Allah and His Messenger. This is because *masjids* are the houses of Allah. An authentic hadīth mentions that among the

467 Al-Nūr: 36-37

seven groups of people conferred with the shade of Allah on a day when there is no shade except His shade on the Day of Judgement is, "A man whose heart is attached to the *masjids*."[468] That is, he loves *masjids* and frequents them.

The Prophet ﷺ said, "Give glad tidings to those who walk to the *masjids* in the dark with a perfect radiance on the Day of Judgement."[469] Allah says: **{The *masjids* of Allah are only to be maintained by those who believe in Allah and the Last Day and establish prayer and give *zakāt* and do not fear except Allah, for it is expected that those will be of the [rightly] guided.}**[470]

Those who shun the *masjids* and do not frequent them due to laziness, to avoid the Friday and congregational prayers or they presume that they are busy worshipping or they have secluded themselves with Allah, they are disobeying Allah and His Messenger.

متن ومَنْ نَذَره أو الصلاةَ في مسجدٍ غيرِ الثلاثة -وأفضلُها الحرامُ، فمسجدُ المدينةِ، فالأقصى- لم يَلْزَمْه فيه، وإن عيَّنَ الأفضلَ لم يُجْزْ فيما دونه، وعكسُه بعكسِه

If he vows to perform *i'tikāf* or prayer in a *masjid* other than the three: al-Masjid al-Haram, al-Masjid al-Nabawī and al-Masjid al-Aqsa, it is not binding. If he specified one of the holy *masjids*, then fulfilling the vow in a less significant *masjid* is not valid and the opposite is the opposite.

"If he vows to perform *i'tikāf* or prayer in a *masjid* other than the three: al-Masjid al-Haram, al-Masjid al-Nabawī and al-Masjid al-Aqsa, it is not binding": I.e. it is not binding upon him to fulfil his vow in the *masjid* he had specified in his vow. In fact, it is permissible for him to make *i'tikāf* in any *masjid* wherein congregational prayers are conducted. This is because all *masjids* besides the three holy *masjids* are equal in stature and significance. He who specifies a *masjid* in his vow imagining it to be greater in significance while Allah has not made it more worthy than other *masjids*, is actually innovating in Islam.

He may fulfil his vow in any *masjid* located in his country or abroad. It goes

468 Reported by al-Bukhārī (1/168), (8/203) and Muslim (3/93) from the narration of Abu Hurairah.

469 Reported by Abu Dawūd (561) and al-Tirmidhī (223) from the narration of Buraydah ibn al-Hasīb.

470 Al-Tawbah: 18

without saying that he must fulfil his vow at any cost for the Prophet ﷺ said, "Whoever makes a vow to obey Allah, shall obey Him."[471]

However, he should not specify a location or *masjid* in his vow for all *masjids* are equally worthy of performing *i'tikāf* therein. One only has to ensure that it is a *masjid* in which Muslims offer their prayers. This one pre-requisite will suffice. Having said that, the three holy *masjids* are distinguished by Allah and are highly significant in stature. He has preferred these *masjids* more than other *masjids*. They are al-Masjid al-Haram, al-Masjid al-Nabawī and al-Masjid al-Aqsa which are all *masjids* founded by Prophets ﷺ.

Prayers and *i'tikāf* performed therein are more worthy than when performed in other *masjids*. The Prophet ﷺ said, "Prayer in my *masjid* is better than a thousand prayers performed in other *masjids*, except al-Masjid al-Haram. Prayer performed in al-Masjid al-Haram is better than a hundred thousand prayers performed in other *masjids*."[472]

It has been narrated that a prayer performed in Masjid al-Aqsa is equivalent to praying five hundred prayers in other *masjids*. If a person makes a vow to perform *i'tikāf* in any of these three holy *masjids*, he is obliged to do so in it. This is because these *masjids* are unique in their significance and esteem compared to other *masjids*. Furthermore, travelling in order to worship in these three *masjids* is permitted. The Prophet ﷺ said, "No journey [to visit a *masjid*] should be undertaken except to the three *masjids*: al-Masjid al-Haram, my *masjid* and al-Masjid al-Aqsa."[473]

These *masjids* offer a multi-fold increase in rewards for deeds. A prayer in al-Masjid al-Haram equals one hundred thousand prayers prayed elsewhere whilst a prayer is worth a thousand prayers when prayed at al-Masjid al-Nabawī. It is multiplied five hundred times in al-Masjid al-Aqsa. This is the reasoning behind the obligation of fulfilling the vow in these three *masjids*. If the one who made the vow performed *i'tikāf* in other than these three *masjids*, the vow is invalid.

---

471 Reported by al-Bukhārī (8/177) from the narration of 'Aishah.

472 Reported by Ahmad (3/343, 397) with this wording. Narrated by Jābir ibn 'Abdillah. Also reported by al-Bukhārī (2/76) and Muslim (4/124) from the narration of Abu Hurairah.

473 Reported by al-Bukhārī (2/76)and Muslim (4/126) from the narration of Abu Hurairah.

There is a difference in stature between these three holy *masjids*. The best is al-Masjid al-Haram followed by al-Masjid al-Nabawī and then al-Masjid al-Aqsa.

"If he specified one of the holy *masjids*, then fulfilling the vow in a less significant *masjid* is not valid and the opposite is the opposite": It is permissible for a person to perform the prayer or *i'tikāf* in a *masjid* more significant than the *masjid* he had specified in his vow. For example, if he had vowed to perform *i'tikāf* or prayer in al-Masjid al-Nabawī, it is accepted if he ends up performing the prayer or *i'tikāf* in al-Masjid al-Haram as the latter is more significant than the former. Let's assume that a person vowed to pray or make *i'tikāf* in Masjid al-Aqsa for example but performed it in Masjid al-Nabawī. This is also accepted as the latter *masjid* is more significant than the former.

The same cannot be said for the reverse. If he had vowed to perform *i'tikāf* or prayer in Masjid al-Haram but ended up performing it in Masjid al-Nabawī, then it is not accepted. Similarly, if he had vowed to perform *i'tikāf* or a prayer in Masjid al-Nabawī but ended up performing it in Masjid al-Aqsa, the vow become unacceptable. This is because the act of worship took place in a *masjid* less significant than the *masjid* he had intended in his vow.

However, if he had intended to perform *i'tikāf* or prayer in a specific *masjid* other than the three holy *masjids*, and then proceeded to perform it in another *masjid*, then the vow is fulfilled. This is because all other *masjids* besides the three holy *masjids* are equal in significance and stature.

متن ومن نذر زماناً معيناً دخل مُعْتَكَفَه قبل ليلته الأولى، وخرج بعد آخِره

He who made a vow [to sit in *i'tikāf*] for a specific period of time, he should enter the *masjid* before night fall of the first day and exit after the night of the last day.

"He who made a vow [to sit in *i'tikāf*] for a specific period of time, he should enter the *masjid* before night fall of the first day and exit after the night of the last day": For example, he vowed to make *i'tikāf* during the last ten days of Ramadān. This is time specific in terms of the days and the month. Hence, he should enter into the *masjid* before night fall of the first day, that is, before sunset on the twenty first of Ramadān. This means that he needs to be present

at the *masjid* on the twentieth of Ramadān as an Islamic day starts as of sunset. Only then is the vow fulfilled.

He should maintain his *i'tikāf* until the night of 'Eid, which is the first night of Shawwāl.

متن

ولا يخرج المُعْتَكِفُ إلا لِمَا لا بُدَّ له منه

The *mutakif* should not leave [the *masjid*] unless it is absolutely necessary.

"The *mutakif* should not leave [the *masjid*] unless it is absolutely necessary": The *mutakif* (one performing *i'tikāf*), as we have discussed, should stay in the *masjid*, residing there in obedience to Allah. This condition is violated if he leaves the *masjid* as the period of absence from the *masjid* is not considered as *i'tikāf*. He may do so only if there is a necessity that can only be fulfilled if he leaves the *masjid*. Examples would be matters such as using the toilet, performing ablution and procuring food and drink, if he does not have anyone to bring it to him.

He must only remain outside the *masjid* for the least amount of time necessary to fulfil his needs and not surpass that. If this condition is observed strictly, his *i'tikāf* is not marred by his leaving the *masjid* for these short periods which are inevitable.

متن

ولا يعودُ مريضاً ولا يَشْهَدُ جنازةً إلا أن يَشْتَرِطَه

The sick should not be visited nor should he follow a *janāzah* unless he had stipulated this as a condition.

"The sick should not be visited nor should he follow a *janāzah* unless he had stipulated this as a condition": A person performing *i'tikāf* should not visit the sick or follow the *janāzah* even though visiting the sick and following the *janāzah* until the cemetery are *mustahabb* acts. This is because the *i'tikāf* that he has commenced is more important than the reasons that require him to leave the *masjid*. If he does leave the *masjid*, the period that he is away from it is not considered as *i'tikāf*. He may visit the sick and follow the *janāzah* only if he had stipulated it as a condition before the start of his *i'tikāf*.

Another example of a deed that does not nullify *i'tikāf*: leaving the *masjid* wherein he is performing *i'tikāf* so as to offer the Friday prayer. This is provided that the Friday prayer is not conducted in the *masjid* he is in. This deed is legislated as an exception in Islam as missing the Friday prayer is forbidden. A Muslim cannot engage in a forbidden act in an effort to accomplish an act which is only *mustahabb*.

متن وإن وَطِئَ في فَرْجٍ فَسَدَ اعتكافُه

Having vaginal sex will nullify his *i'tikāf*.

"Having vaginal sex will nullify his *i'tikāf*": If he had vaginal sex with his wife, his *i'tikāf* is nullified regardless if he had vowed to perform the *i'tikāf* or otherwise. This is because Allah forbade it saying: **{And do not have relations with them whilst you are secluded (*ā'kifūna*) in the *masjids*.}**[474]

This is evidence for the prohibition of engaging in sexual intercourse by the *mutakif*. Allah mentions **{And do not have relations,}** which is a reference to sexual intercourse. Similarly, all actions that are sex-related such as kissing and caressing are also forbidden. This is because it will incite a person to escalate the matter. Moreover, these acts will pre-occupy him with thoughts of intercourse which he has been deprived of whilst performing *i'tikāf*.

متن ويُستَحَبُّ اشتغالُه بالقُرَبِ واجتنابُ مالا يعنيه

It is *mustahabb* for him to busy himself with pious deeds and to eschew things which do not concern him.

"It is *mustahabb* for him to busy himself with pious deeds and to eschew things which do not concern him": This is what a *mutakif* should be doing. He should busy himself with all kinds of pious deeds such as *nafl* prayers, Qur'ān recital, pondering over the *ayāt* of Allah, and *dhikr* (remembrance) of Allah. He should be pre-occupied by verbal and physical acts of worship as *i'tikāf* is designed for this sole purpose.

He should shun that which does not concern him. He should also avoid worldly affairs and the affairs of people which do not concern him.

474 Al-Baqarah: 187

To summarise, the pre-requisites of *i'tikāf* are:

Firstly: It is performed in a *masjid* wherein congregational prayers are conducted.

Secondly: The *mutakif* should not leave the *masjid* unless it is inevitable.

Thirdly: The *mutakif* should not engage in sexual intercourse.

Fourthly: If he had made a vow that was time-specific, he should enter the *masjid* at the start of the period and not leave until the end of the period.

Fifthly: If he had made a vow to perform *i'tikāf* in any of the three holy *masjids*, then performing it elsewhere is not acceptable.

Sixthly: If he had made a vow to perform *i'tikāf* in the more significant of the three holy *masjids*, then it is not acceptable for him to perform it in that which is less significant.

كتاب المناسك
THE BOOK OF RITES

"The Book of Rites": The author proceeds to discuss the laws pertaining to the rites of pilgrimage. *Manāsik*, as it is called in Arabic, is the plural of *mansak* and actually means devotion (*al-ta'abud*). All acts of worship are termed *manāsik*. Allah says: **{And for all nations We have appointed <u>a rite</u> [of sacrifice] (*manasakan*) that they may mention the name of Allah over what He has provide for them of [Sacrificial] animals.}**[475]

And He also says: **{Say, "Indeed, my prayer, <u>my rites of sacrifice</u>, my living and my dying are for Allah, Lord of the worlds."}**[476] That is, the slaughtering of sacrificial animals.

Linguistically and by origin *nusuk* (which is the root word of *manāsik*) is a reference to devotion in all forms of acts of worship.[477] Here, it refers to all forms of rites associated with Hajj and 'Umrah. It includes verbal and physical deeds that are performed in both the major and minor pilgrimages as legislated by Allah.[478]

متن الحج والعمرة واجبان على المسلم الحُرِّ المُكلَّفِ القادرِ في عُمرِهِ مرةً على الفور

Hajj and 'Umrah are both *wājib* upon a Muslim who is free, mature and is able to perform it once in his lifetime without delay.

475 Al-Hajj: 34

476 Al-An'ām: 162

477 See *al-Sihāh* (4/1612).

478 See *al-Mutla'* (p. 156).

"Hajj and 'Umrah are both *wājib* upon a Muslim": Hajj is obligatory upon every Muslim. The disbeliever is not required to do so as long as he is a *kāfir*. This is because his Hajj will not be valid just like the rest of the acts of worship he may perform. These acts become valid if he embraces Islam.

"Who is free": Slaves are exempted. It is not *wājib* upon a slave to perform Hajj as he is owned by his master and his role is to serve his master. Hence, he is accorded a concession whereby Hajj is not *wājib* upon him as performing it takes time, requires travel and sustenance. Undertaking it will deprive his master of the service he could have otherwise rendered. Furthermore, his livelihood depends on his master which makes Hajj non-obligatory for him to begin with. However, if amid his slavery he is able to perform Hajj, then it is valid although it is a *nafl* (voluntary) act for him.

"Able": I.e. he has the ability to travel and sustain himself during it. He must be able to access a mode of transport to travel in. Allah says: **{And [due] to Allah from the people is a pilgrimage to the House, for whoever is able to find thereto a way.}**[479]

Regarding the word in the above ayah "*al-sabīl*" (a way), the exegesis offered by Ibn 'Abbās ﷺ for this word here is "sustenance and transport."[480] He should have enough food and money to sustain his journey and return, to sustain any dependants from the time he departs until he returns and he should have a mode of transport which will help him perform Hajj. The mode of transport varies with time of course. Riding animals or travelling by car, steam ship or airplane are all forms of transport that make it possible for him to perform Hajj. He should be able to pay the required cost of these modes of transport. This is what is meant in the ayah in regards to being able to acquire transport.

"To perform it once in his lifetime': It is *wājib* upon a Muslim to perform Hajj once in his lifetime. This is an ease conferred by Allah as performing Hajj involves much travel and expenditure. Perhaps there are even hazards along the way or during the pilgrimage that one has to face. These hazards may be due to a lack of safety and security. Hence, Allah has made it easy for the Muslims such that they need perform it only once in their lifetime.

479 Āli 'Imrān: 97

480 Reported by Ibn Mājah (2897) with a *marfū'* narration from 'Abdullah ibn 'Abbās.

The evidence for this is derived from the hadīth in which the Prophet ﷺ said, "O people! Verily Allah has prescribed for you the Hajj so perform it." Al-Aqra' ibn Hābis ﷺ said, "Should one perform it every year O Messenger of Allah?" The Prophet was silent for a moment and then replied, "If I say 'yes' it would become obligatory and you would not be able to fulfil it. Do not ask me more than what I have left you. Hajj is performed once and he who does more, it is supererogatory for him."[481]

"Without delay": It is *wājib* to hasten to perform Hajj and not delay it. To expedite it is one of the conditions of Hajj. A Muslim is deemed a sinner if he delays performing Hajj without a valid excuse. The Prophet ﷺ said, "Hasten to perform Hajj for verily none of you knows what awaits him."[482]

متن فإن زال الرِّقُّ والجنونُ والصِّبَا في الحج بعرفة، وفي العمرةِ قَبْلَ طوافِها صَحَّ فَرْضاً

In the event that a slave is freed, the insane gains sanity or a child reaches puberty while at 'Arafah during Hajj or before performing *tawāf* during 'Umrah, then the obligation is fulfilled.

"In the event that a slave is freed, the insane gains sanity or a child reaches puberty while at 'Arafah during Hajj or before performing *tawāf* during 'Umrah, then the obligation is fulfilled": If the conditions which prevent the performance of obligatory pilgrimage are removed - as when a slave is freed, when an individual regains sanity after losing it, or when one of the signs of attaining puberty is evident in a child - then that person is considered to have fulfilled the obligatory pilgrimage. This is provided that the above conditions are removed before one embarks on the rites of Hajj and 'Umrah. If the conditions are removed during Hajj while he is in 'Arafah, then his obligatory pilgrimage (*Hajjatul Islam*) is considered fulfilled. This is because standing at 'Arafah is the first rite which is a pillar of Hajj. If the conditions are removed while he is standing there, the remaining part of the day he spends there is sufficient to fulfil this pillar of Hajj. He then has to proceed to perform the remaining rites until completion. If he is performing 'Umrah, then he is deemed to have fulfilled '*Umrahtul Islam* when the conditions are removed before he makes

481 Reported by Ahmad (1/255, 290), Abu Dawūd (1721), al-Nasā'ī (5/111) and Ibn Mājah (2886) from the narration of 'Abdullah ibn 'Abbās.

482 Reported by Ahmad (1/313), Abu Dawūd (1732) and Ibn Mājah (2883) from the narration of 'Abdullah ibn 'Abbas.

tawāf. If the conditions are removed while he is making the *tawāf*, then he is not deemed to have fulfilled *'Umrahtul Islam*. However, he should proceed with the rites for it will be considered as a supererogatory act of worship. He should make plans to perform 'Umrah in the near future so as to fulfil the obligatory 'Umrah.

متن وفِعْلُهما من الصَّبي والعبدِ نَفْلاً

Pilgrimage performed by a child or a slave is considered a supererogatory act of worship.

"Pilgrimage performed by a child or a slave is considered a supererogatory act of worship": Hajj or 'Umrah performed by a child who is not of age is valid but deemed a *nafl* act. This can be proven by the incident where a woman raised a child towards the Prophet ﷺ and asked, "Is this one required to perform Hajj O Messenger of Allah?" He replied, "Yes. And you get the reward."[483] The hadīth is evidence for the validity of Hajj performed by a child. It is considered as supererogatory and the guardian of the child gains the reward for it. However, the performed pilgrimage does not free the child from the obligation of *Hajjatul Islam*.

Similarly, Hajj performed by a slave is only considered a supererogatory Hajj and it earns him rewards. However, he must endeavour to perform *Hajjatul Islam* and *'Umrahtul Islam* as soon as he is freed.

متن والقادر من أمكنه الركوبَ ووجد زاداً وراحلةً صالِحَيْنِ لِمِثْله بعد قضاء الواجبات والنفقات الشرعية، والحوائجِ الأصلية

The able: He who is able to mount the mode of transport, has enough provision to sustain the journey and a mode of transport which befits his status after all his dues, mandatory expenditures and basic needs are settled.

"The able: He who is able to mount the mode of transport": This is the exegesis for the ayah: **{For whoever is able to find thereto a way.}**[484] The potential pilgrim must be able to mount the riding animal, the plane or the car. If he is

483 Reported by Muslim (4/101), Ahmad (1/219, 244), Abu Dawūd (1736) and al-Nasā'ī (5/120) from the narration of 'Abdullah ibn 'Abbās.

484 Ālī 'Imrān: 97

unable to do so due to frailty of the body, terminal illness or old age, he does not have to perform Hajj himself. He may appoint a representative to do it on his behalf. This is due to the fact that his inability to do Hajj is a permanent one.

"Has enough provision to sustain the journey and a mode of transport": His provisions should sustain the journey to perform Hajj and the journey back as Allah says: **{And take provisions, but indeed the best provision is *taqwa*.}**[485]

It is not permissible for him to perform Hajj if he does not have the provisions to sustain his journey. He should not be dependent on people or beg them for it. The provision that he sets aside to perform Hajj should be that which remains after all his basic needs and that of his dependants are taken care of. He should not be tight-fisted in spending for his basic needs or that of his children and other dependants, saying, "Spare nothing for the sake of Hajj." The provisions reserved for the Hajj trip should be over and above basic needs like possession of the mode of transport with which he wants to set out to perform Hajj, the house in which he is living in and books that he requires. As for luxuries, he may sell any that he possesses which he finds superfluous. If there is any amount that remains after his basic needs and that of his dependants are taken care of, he may use it to perform Hajj.

"Which befits his status": The wealthy should ready a mode of transport suitable to their status. There is no restriction that they should choose one that is meant for the poor. Similarly, the provision should befit his stature as a rich man. He is not limited to make do with a poor man's provision. The poor man should equip himself with a mode of transport that befits a poor man and prepare provision that is sufficient for him.

"After all his dues, mandatory expenditures and basic needs are settled": The money with which he performs Hajj should be in excess of dues binding upon him such as debt. If there will be no money left after performing Hajj, then he may do so only after acquiring permission from the lender or lenders. If not, he has to settle their debt.

متن وإن أعجزه كِبَرٌ أو مرضٌ لا يُرْجَى بُرْؤه لَزِمَه أن يُقيم من يَحُجُّ ويعتمر عنه، من حيث

485 Al-Baqarah:197

وجبا

If old age or incurable illness prevents him, then he must appoint a representative who shall perform Hajj and 'Umrah on his behalf if they are obligatory.

"If old age or incurable illness prevents him, then he must appoint a representative who shall perform Hajj and 'Umrah on his behalf if they are obligatory": These people are termed as those who are able financially but incapable physically (*al-qādir bi mālihi dūna nafsihi*). He may appoint a representative to perform pilgrimage on his behalf provided that the factors preventing him from performing Hajj are permanent, such as terminal illness or old age. A woman asked the Prophet ﷺ whether she could perform Hajj on behalf of her father who was obliged by Islamic legislation to perform it. She added that he was very old and was unable to ride the animal on which he would need to travel to perform Hajj. The Prophet ﷺ replied, "Yes, perform Hajj on behalf of your father."[486] This is proof for the permissibility of appointing a representative to perform *Hajjatul Islam* on one's behalf provided that he is incapable of doing it himself although he is financially sound.

"Then he must appoint a representative who shall perform Hajj and 'Umrah on his behalf if they are obligatory": The representative must travel from the country of the person he represents. This is because the person on whose behalf Hajj is being performed must travel from his place of residence. The representative must imitate the actions of the one who he represents were the latter to have performed the Hajj himself. All expenses accrued by the representative in his journey from that country until the time he returns to it is borne by the person on whose behalf he performed the pilgrimage. This is an opinion.[487]

Another opinion, which is correct by the will of Allah, is that there is no restriction that Hajj must be performed from the country of residence. If he finds a person to perform Hajj on his behalf, the latter may do so from whatever location and the Hajj performed on his behalf is valid.[488] The evidence for this is the incident where the Prophet ﷺ heard someone say, "*Labbaykka 'an*

486 Reported by al-Bukhārī (2/163), (3/23) and Muslim (4/101) from the narration of 'Abdullah ibn 'Abbās.

487 See *al-Insāf* (3/405).

488 See *al-Mughnī* (5/39).

Shubrumah" (I have answered Your call on behalf of Shubrumah). The Prophet asked, "And who is Shubrumah?" To which the person replied, "A brother of mine who died." The Prophet asked, "Have you performed Hajj for yourself?" And he replied in the negative. So the Prophet said, "Perform Hajj for yourself and then perform it on behalf of Shubrumah."[489] The point to note is that the Prophet ﷺ did not stipulate the he perform it by travelling from the country where Shubrumah had lived.

متن ويجزئ عنه، وإن عوفي بعد الإحرام

It is valid for him if he recovers after [the representative] enters the state of *ihrām*.

"It is valid for him if he recovers after [the representative] enters the state of *ihrām*": That is, the incapable individual who appointed another to perform Hajj on his behalf. If that which prevented him from performing Hajj dissipates before the representative enters the *ihrām*, then it is obligatory for him to perform it himself. The Hajj of the representative shall be considered a voluntary one from which he earns the reward. However, if that which prevented him from performing Hajj dissipates only after the completion of the Hajj rites by the representative or in the midst of performing it but after entering into the *ihrām* of Hajj, then the pilgrimage is deemed as *Hajjatul Islam* for the person he represents.

متن ويُشترط لوجوبه على المرأة وجودُ مَحْرَمِها، وهو زوجُها أو مَنْ تَحْرُم عليه على التأبيد بنسبٍ أو سببٍ مُباح

A further pre-requisite for its obligation upon women: the presence of a *mahram*. This can be her husband or any other male relative who she is forever forbidden to marry, by way of blood ties or legitimate reasons.

"A further pre-requisite for its obligation upon women: the presence of a *mahram*": We have discussed earlier that there are four pre-requisites which make Hajj obligatory: Islam, freedom, ability to perform Hajj and puberty. When all these pre-requisites are met by a Muslim, Hajj becomes obligatory upon him. Failing to meet even one of these pre-requisites will render Hajj non-obligato-

489 Reported by Abu Dawūd (1811) and Ibn Mājah (2903) from the narration of 'Abdullah ibn 'Abbās.

ry. Women haven a further pre-requisite: the presence of a *mahram* who must accompany her for the pilgrimage. The Prophet ﷺ said, "It is not permissible for any woman who believes in Allah and the Last Day that she travels except accompanied by her *mahram*." In other narrations: "A day and a night",[490] "Two days", and in another narration, "Three days."[491] This is evidence that women should not travel unless her *mahram* accompanies her on the journey.

Mahram: This is a male relative whom a woman is forever forbidden to marry due to blood ties or legitimate reasons. This is will be explained in detail later. The *mahram* must have attained puberty and be of sound mind. If a *mahram* is not available, then she must wait until this pre-requisite is met. However, if she has lost hope in finding a *mahram* to travel with, she may appoint a representative to perform Hajj on her behalf as it is not permissible for her to perform it herself without the presence of a *mahram*. The hadīth, "It is not permissible for any woman who believes in Allah and the Last Day that she travels except if accompanied by her *mahram*,"[492] stipulates this prohibition clearly.

A man came to the Prophet ﷺ with a desire to partake in the battle and *jihād* for the sake of Allah. He informed the Prophet ﷺ that his wife shall be performing Hajj. He ﷺ then said, "Go and perform Hajj with your wife."[493] He prioritised accompanying his wife to perform Hajj over his participation in the battle and *jihād* for the sake of Allah. This is because a woman has weakness and requires a person to look after her welfare, safety and needs.

Travelling is tiresome and filled with hardships. Travellers are exposed to dangers and a woman may face *fitnah* and may be taken advantage of in the absence of her *mahram*. Therefore, the presence of a *mahram* is a pre-requisite for Hajj to be an obligation upon a woman. That is, if she wants to perform it herself. If a *mahram* is not available, then she may choose to wait and perform Hajj when he is available or she may appoint a representative who will perform Hajj on her behalf.

---

490 Reported by al-Bukhārī (2/54) and Muslim (4/103) from the narration of Abu Hurairah.

491 Reported by al-Bukhārī (3/76, 77) and Muslim (3/152) from the narration of Abu Sa'īd al-Khudrī.

492 Reported by Muslim (4/103) and Ahmad (2/347) from the hadīth of Abu Hurairah.

493 Reported by al-Bukhārī (3/24, 72) and Muslim (4/104) from the narration of 'Abdullah ibn 'Abbās.

"This can be her husband or any other male relative who she is forever forbidden to marry, by way of blood ties or legitimate reasons": Examples of a *mahram* would be her husband, or those forever forbidden from marriage to her: the father, paternal uncle, maternal uncle, brother and nephew. These are *mahram* by way of blood ties.

A legitimate reason where a male becomes a *mahram* to a female is by way of *al-radā'a* (a foster relationship established by breast-feeding). Examples of a *mahram* are her brother through nursing, father through nursing, grandfather through nursing and maternal uncle through nursing. The Prophet ﷺ said, "A relationship through nursing forbids that which is forbidden by blood ties."[494] What is impermissible for the child related by birth is also impermissible for the one related through nursing (i.e. breast feeding). Allah, when mentioning about prohibitions, says: **{And your [milk] mothers who nursed you and your sisters through nursing.}**[495] This is a legitimate reason for a male to be conferred the status as a *mahram* to women.

Marriage is another legitimate reason. Her father-in-law and her husband's son are her *mahrams* too. Some scholars claim that a *la'an* (oath of condemnation) once established must lead to a separation between the spouses. It renders the woman forever forbidden to the man. However, this does not confer him the status of a *mahram*.

"Forever": Therefore ties with temporary prohibition are excluded. Examples are his wife's sister and maternal and paternal aunts. These women are forbidden to him as long as his wife is married to him. However, if he divorces his wife or she dies, he may marry his ex-wife's sister or aunt. Since these ties are not forever forbidden to a man, he is not considered as a *mahram* to these women.

متن

وإن مات مَنْ لَزِمَاه أُخْرِجا من تَرِكَتِه

If a person upon whom Hajj or 'Umrah is obligatory dies, it is fulfilled on his behalf using wealth he left behind.

494 Reported by al-Bukhārī (7/12) and Muslim (4/165) from the narration of 'Abdullah ibn 'Abbās.

495 Al-Nisā: 23

"If a person upon whom Hajj or 'Umrah is obligatory dies, it is fulfilled on his behalf using wealth he left behind": That is, he dies before fulfilling either 'Umrah or Hajj. In this case the money that he left behind is used to pay a representative to perform it on behalf of the deceased. This is because both 'Umrah and Hajj remain a debt upon the deceased until they are fulfilled. Debt has a higher priority than inheritance, let alone debt owed to Allah. Therefore, an amount sufficient to engage a person to perform the pilgrimage on behalf of the deceased is taken from his wealth that was left behind.

باب المواقيت

CHAPTER: THE DESIGNATED ENTRY POINTS FOR HAJJ (MAWĀQĪT)

The author says, "Chapter: *al-Mawāqīt*": It is the plural of *miqāt*, which refers to set limits of time and place denoted by Allah and His Messenger for the performance of acts of worship.[496] The *mawāqīt* for Hajj can be divided into two types:

Mawāqīt that is time specific: Entering the state of *iḥrām* for Hajj is only permissible at a specific time, which is during the sacred months. Allah mentions it in the ayah: **{Hajj is [during] well-known months, so whoever has made Hajj obligatory upon himself therein [by entering the state of *iḥrām*], there is [to be for him] no sexual relations and no disobedience and no disputing during Hajj.}**[497]

These well known months are: Shawwāl, Dhul Qa'dah and the first ten days of Dhul Hijjah. If a person enters the state of *iḥrām* intending Hajj during any of these specific days, his *iḥrām* is valid. This is only for Hajj. As for those who are performing 'Umrah, there is no specific time for entering the state of *iḥrām*. The person may do so whenever he likes throughout the year.

متن **وميقاتُ أهل المدينة: ذو الحُلَيْفة، وأهل الشام ومصر والمغرب: الجُحْفَةُ، وأهل اليمن يَلَمْلَمُ، وأهل نجد قَرْن، وأهل المشرق ذاتُ عِرْقٍ، وهي لأهلها، ولمن مَرَّ عليها من غيرهم**

496 See *al-Misbāḥ al-Munīr* (p. 920).

497 Al-Baqarah: 197

The *mīqāt* of the people of Madīnah is: Dhul Hulayfah, for the people of Shām, Egypt and Morocco it is: al-Juhfah, for the people of Yemen: Yalamlam, for the people of Najd it is: Qarnun and for the people from the East, it is Dhāt Irqin. These *Mawāqīt* are to be used by the residents of each region respectively when they perform Hajj and for those who travel past the *Mawāqīt*.

These five *mawāqīt* [are the second type,] specific to place:

"The *mīqāt* of the people of Madīnah is: Dhul Hulayfah": This is for the residents of Madīnah and for those who travel past it. Dhul Hulayfah is a valley well known as Wādī al-Aqīq, situated near Madīnah. It is the furthest *mīqat* from Makkah. It was named Dhul Hulayfah after a tree called "*Halfa*". *Hulayfah* is the diminutive form (Arabic grammar: *tasghīr*) of *halfa*. The Messenger of Allah ﷺ and his Companions entered into the state of *ihrām* at this *mīqāt* when they performed the Farewell Hajj. He designated Dhul Hulayfah as the *miqāt* for the people of Madīnah and for those who travel past this place.

"For the people of Shām, Egypt and Morocco it is: al-Juhfah": Al-Juhfah is a small village situated along the old route to Makkah from Shām, Egypt or Maghrib (Morocco). They enter into the state of *ihrām* at Dhul Hulayfah when crossing it on land or sea. Those who travel by sea should enter into *ihrām* at the same geographical location of al-Juhfah while out at sea. Likewise is the case for those travelling by air, they enter into the state of *ihrām* at the approximate position of al-Juhfah.

"For the people of Yemen: Yalamlam": Yalamlam is the name of a mountain or a valley which is near a mountain. The people of Yemen enter into *ihrām* from this *mīqāt* as do those who travel via this route. It is also known as "Alamlam." It is popularly called "al-Sa'diyah" by people in the current time.

"For the people of Najd, it is: Qarnun": That is, Qarn al-Manāzil which is a large stream. This is the *mīqāt* for the people of Najd.

"And for the people from the East, it is Dhāt Irqin": The people being referred to here are the Iraqis and those who travel by a similar route to that of the Iraqis. They enter into the state of *ihrām* from Dhāt Irqin. It lies to the north of Qarn al-Manāzil, at close proximity to it along the route taken by the pilgrims

when travelling to Makkah.

It is said that these *mawaqīt* were designated by 'Umar [498] as he had delineated the *mīqāt* for the people of Najd. It was reported in a hadīth that it was in fact the Prophet ﷺ who delineated it.[499] It is said that there is no contradiction between the two hadīths as it was the Messenger of Allah ﷺ who delineated it initially and 'Umar, being oblivious to it, exercised his wisdom to delineate the *mīqat*. Coincidentally, he had chosen the very spot the Prophet ﷺ had chosen earlier. This is just one example of the many instances of 'Umar making a favourable *ijtihād*.

متن ومن حجَّ من أهل مكةَ فَمِنْها، وعمرتُه من الحِلِّ

Whoever performs Hajj from amongst the people of Makkah, should enter *ihrām* from within it whilst that for 'Umrah is done from beyond the sacred city.

"Whoever performs Hajj from amongst the people of Makkah, should enter *ihrām* from within it whilst that for 'Umrah is done from beyond the sacred city": The residents of Makkah enter *ihrām* in Makkah itself, whilst those who perform 'Umrah must enter *ihrām* from the outskirts of Makkah. The proof for this is the incident where 'Aishah requested to perform 'Umrah. The Prophet ﷺ asked 'Aishah's brother 'Abdul Rahmān ibn Abī Bakr to accompany her to a place called al-Tan'īm which lay on the outskirts of Makkah and thus not within the sacred city. She then entered into *ihrām* from there.[500]

This is proof that the residents of Makkah cannot enter the state of *ihrām* for 'Umrah while remaining within it. They must go to the outskirts beyond the city's sanctuary and can do so from al-Tan'īm, or al-Ji'rānah, the place where the Prophet ﷺ entered *ihrām* when he performed 'Umrah in the year of the battle of Hunayn, 'Arafah or from any place that is a mile away from the sanctuary of Makkah. They should enter into the state of *ihrām* and only then enter Makkah.

498 Reported by al-Bukhārī (2/166) from the narration of 'Abdullah ibn 'Umar.

499 Reported by Muslim (4/7) and Ibn Mājah (2915) from the narration of 'Abdullah ibn 'Umar, which is a *marfū'* report.

500 Reported by al-Bukhārī (2/174), (3/6), (4/76) and Muslim (4/133) from the narration of 'Aishah.

The wisdom behind this disparity between Hajj and 'Umrah with regards to entering into the state of *iḥrām*, and Allah knows best, is for these rites to attain a combination of being within the sanctuary of Makkah and outside. The Hajj pilgrim gets to be in the sanctuary and outside the sanctuary whilst performing the Hajj rites. He has to stand at 'Arafah, which is outside the sacred city. However, the rites of 'Umrah do not take the pilgrim outside of the sanctuary. Hence, he is ordered to enter into *iḥrām* from outside the sacred city so that a combination of being within the sanctuary and outside is achieved.

متن

وأشهرُ الحجِّ شوال وذو القعدة، وعَشْرٌ من ذي الحجة

The sacred months are: Shawwāl, Dhul Qa'dah and the first ten days of Dhul Hijjah.

"The sacred months are: Shawwāl, Dhul Qa'dah and the first ten days of Dhul Hijjah": The season for Hajj is limited to these months. Allah says: **{Hajj is [during] well-known months.}**[501] These well-known months are those mentioned above. If a person enters into *iḥrām* to perform Hajj on the day of 'Eid al-Fitr, it is considered valid. He must remain in his *iḥrām* until he completes his Hajj. Similarly, if he enters into *iḥrām* before dawn of *Yawm al-Nahr* (10th of Dhul Hijjah) while he is at 'Arafah, then his state of *iḥrām* is valid as he did so within the sacred months.

Point to note: There are instances of pilgrims traversing through the *mawāqīt* and entering into *iḥrām* at Jeddah. This is a mistake. Jeddah is a *mīqāt* for only its residents and for those who made an intention to perform Hajj or 'Umrah whilst there. The Prophet ﷺ said while delineating the *mawāqīt*, "And he who is at a lesser distance," referring to a person who is closer to Makkah than the *mawāqīt*, "Then his place [of *iḥrām*] is that of the residents,"[502] or he can enter into *iḥrām* from his current place.

501 Al-Baqarah: 197

502 Reported by al-Bukhārī (2/165) and Muslim (4/5) from the narration of 'Abdullah ibn 'Abbās.

باب الإحرام
CHAPTER: IHRĀM

متن

الإحـرام: نية النسك

***Ihrām* is the intention to perform the rites.**

"Chapter of *Ihrām*": The author has thus far explained that there are places delineated from which pilgrims must enter into the state of *ihrām*. These are the five *mawāqīt*. It is only proper now to make mention of the meaning of *ihrām*, the laws pertaining to it and that which must be avoided with regards to it. This is because a *muhrim* (someone in the state of *ihrām*) is prohibited from doing certain mundane acts that are permissible when he is not in this state.

"*Ihrām* is the intention to perform the rites": *Ihrām* is the intention to commence the performance of the rites of pilgrimage. If one intends with his heart to fulfil these rites and abide by the laws, then he has indeed entered into the state of *ihrām*. This is similar to the person who performs prayer. He commences the performance of it when he makes the *takbīratul ihrām*. Hence it is named as such. So, if one makes an intention to start fulfilling the rites of pilgrimage during the sacred months, he becomes a *muhrim* by his intention.

As for the actions that precede the intention such as performing *ghusl*, removing bodily hair that ought to be removed, clipping of the nails and applying perfume, these are just preparatory acts and only preliminary to entering into *ihrām*. One does not become a *muhrim* by doing these acts as these precede the intention. One cannot be a *muhrim* except after making an intention to start performing the rites of Hajj and 'Umrah.

متن

سُنَّ لُمرِيدِه غسْلٌ أو تيممٌ لِعَدَمٍ، وتنظيفٌ وتَطَيُّبٌ وتَجَرُّدٌ من مَخِيْط

It is Sunnah for a person who wants to enter into *ihrām* to take a bath or perform *tayammum* if water is not available, to cleanse himself, apply perfume and to be free of stitched clothes.

"It is Sunnah for a person who wants to enter into *ihrām* to take a bath or perform *tayammum* if water is not available": He may take a bath to rid himself of bad odour and dust that comes with travelling. Entering into *ihrām* is an act of worship and taking a bath for it is legislated in Islam. This is so that he performs this act of worship in the best condition. However, taking a bath is only *mustahabb* and not *wājib* and this is the case provided that water is available. If it is not, then the author mentions *tayammum* (dry ablution). *Tayammum* is a replacement for *ghusl* (bath) and ablution as mentioned by Allah: **{And if you do not find water, then perform *tayyamum* [with clean earth.]}**[503]

This verse is in relation to prayers where *tayammum* is a replacement for *ghusl*. By means of analogy, it implies that one may perform *tayammum* to achieve purification when entering into *ihrām*.

Some scholars are of the opinion that *tayammum* is not legislated.[504] As it does not achieve the objective of cleansing per se. *Tayammum* does not remove perspiration and other physical dirt. However, what is apparent, and Allah knows best, is that *tayammum* is legislated. This is because the person wants to enter into *ihrām* whilst being in purified state. This state is achieved by *tayammum* when water is not available or when one is unable to use water. He wants to be in a purified state so that he may perform a prayer before entering into *ihrām*. This is if he holds to the view that the act of entering into *ihrām* requires a special prayer.

"To cleanse himself": So that he may cleanse himself of the hairs that were removed while trimming his moustache, shaving his armpit and pubic hairs and of the nails after they are cut. These are removed or cut because they are blemishes to the body. Furthermore, it is a natural disposition to remove or cut

503 Al-Mā'idah: 6

504 It is mentioned in *al-Insāf*, "The author, i.e. Ibn Qudāmah prefers this view. Likewise is the preference of the commentator and author of *al-Fā'iq* and Ibn 'Abdūs in his *Tadkirah*. I say, 'This is the correct opinion.'" (3/432)

these. He does so before entering into *iḥrām* as he is prohibited from doing so whilst at Hajj or 'Umrah and he also protects himself from the harm of not removing these bodily hairs and the nails.

"Apply perfume": It is Sunnah to apply perfume with the best fragrance he has all over his body. The Prophet ﷺ used to apply musk to his body before entering into *iḥrām* and after he had made *taḥalul* (i.e. after exiting the state of *iḥrām*). 'Aishah said, "I used to apply perfume on the Messenger of Allah ﷺ in preparation of *iḥrām* before he entered into it and during his *taḥalul* before he made the *tawāf* of al-Bayt (i.e. the Ka'bah)."[505] This narration proves that perfume is applied before entering into *iḥrām* and after exiting from *iḥrām*. A woman may apply fragrances that do not have a noticeable scent so as to thwart bad odour emanating from her.

"And to be free of stitched clothes": Men should not wear stitched clothing regardless whether the clothes cover the whole body or some part of it. This includes that which fits snugly to the body such as t-shirts, socks and gloves. Any clothing that is tightly wrapped around the body or a part of it and clothing that is sewn to fit the body or a part of it must be shunned. The Prophet shunned these types of clothing whilst in *iḥrām*.[506]

Instead of wearing stitched clothes and other clothing that have similar properties, he wore the *izār* (lower garment worn from the hip down) and wrapped the *ridā* (shawl) over his shoulders so that he was fully covered by both of these garments. They remind one of death and the shroud with which the dead are covered (*al-kufan*). Similarly, the pilgrim wears the *iḥrām* to remind him of the shroud cloth and in turn of death. Another great secret behind wearing the *iḥrām* is it reminds us that everyone is equal in the sight of Allah. The king, the destitute, the wealthy, the poor, the free person, the slave, the Arab and the non-Arab are all of the same standing. Distinguishing one from the other is impossible.

متن

ويُحْرِمُ في إزارٍ ورداءٍ أبيضين نظيفين، وإحرامٌ عَقِبَ ركعتين، ونيَّته شَرْطٌ

He enters into *iḥrām* wearing a lower garment and a shawl that are white in

505 Reported by al-Bukhārī (2/168, 219) and Muslim (4/10).

506 Reported by al-Tirmidhī (830) and Ibn Mājah (2595) from the narration of Zayd ibn Thābit.

colour and clean. He enters into the state of *ihrām* after performing a two *rakāt* prayer and the intention to enter into *ihrām* is a pre-requisite.

"He enters into *ihrām* wearing a lower garment and a shawl that are white in colour and clean": It is *mustahabb* to wear a garment which is wrapped around the lower part of the body (*izār*) and a shawl for the upper body (*ridā*) which are white in colour. The Prophet ﷺ said, "Wear clothes that are white and shroud your dead in it."[507] It is *mustahabb* to wear white garments for the *ihrām*, though other colours are permitted. The only exception is pure red. It is forbidden for men to wear pure red garments.

"He enters into the state of *ihrām* after performing a two *rakāt* prayer": It is *mustahabb* that one enters into *ihrām* after the prayer. If it is time to perform an obligatory prayer, it is *mustahabb* to enter into *ihrām* after its performance as was practiced by the Prophet ﷺ. He prayed the *zuhr* prayer and then entered into *ihrām*. He made the *talbiyah* after performing the obligatory prayer whenever the time for *ihrām* and prayer coincided. It is better to delay entering into the state of *ihrām* until after performing the obligatory prayer.

If one enters into *ihrām* when an obligatory prayer is not due, then he should not perform the two *rakāt* prayer before entering into *ihrām* during times when prayers are forbidden such as after the *'asr* and *fajr* prayers. As for when one is in a time where prayer is not forbidden, some scholars view that it is *mustahabb* to pray two *rakāt* before entering into *ihrām* whilst others view that there is no legislation to perform a prayer specially for entering into *ihrām* except when it coincides with the time when an obligatory prayer is due. In this scenario, one should perform the prayer before entering into *ihrām*. However if it does not coincide with an obligatory prayer, there is no evidence regarding the performance of a prayer for the express purpose of entering into the state of *ihrām*. Having said this, it is still permissible to perform the two *rakāt* prayer before entering into *ihrām* provided that it is not a time when prayers are forbidden. Praise be to Allah.

"And the intention to enter into *ihrām* is a pre-requisite": That is, it is a pre-requisite (*shart*) that he makes an intention in his heart to enter into *ihrām*. It is

507 Reported by Ahmad (5/13, 19) and al-Tirmidhī (2810) from the narration of Samrah ibn Jundub. It is also reported by Ahmad (1/231, 247), Abu Dawūd (3878) al-Tirmidhi (994) and al-Nasā'ī (8/149) from the narration of 'Abdullah ibn 'Abbās.

not sufficient that he merely puts on the garments meant for *iḥrām* without making the intention. If he does not make the intention, he will not be considered a *muḥrim* as entering into *iḥrām* is an act of worship. The Prophet ﷺ said, "Verily actions are by intentions."[508]

متن ويستحبُ قولُه: اللهم إني أريد نُسُكَ كذا، فَيَسِّرْه لي، وإن حَبَسَني حابسٌ فَمَحِلِّي حيثُ حَبَسْتَني

It is *mustaḥabb* for him to say, "*Allāhumma innī urīdu nusuka kadhā fayassirhu lī, wa in ḥabasanī ḥābisun fa maḥillī ḥaythu ḥabastanī.*" (O Allah! Verily I want to perform [mention the type of pilgrimage] so make it easy for me and if I am restrained by a barrier, then my place is where You have restrained me.)

"It is *mustaḥabb* for him to say, '*Allāhumma innī urīdu nusuka kadhā fayassirhu lī*'": I.e. it is *mustaḥabb* to verbalise the type of pilgrimage which one intends to perform, for example *tamattu'*, *qirān*, *ifrād* or 'Umrah. If he intends to perform 'Umrah, he should not verbalise his intention per se. He should not say: "O Allah! Verily I intend to perform Hajj", or "I intend to perform *tamattu'/qirān/ifrād*/'Umrah." The articulation of the *niyyah* (intention) was not practiced by the Prophet ﷺ. Instead the *muḥrim* should verbalise what he intends i.e. announcing the intent to perform pilgrimage. One does so by saying, "*Labbayk allahumma 'Umrahatann mutamatta'an bihā ilā al-Ḥajj.*" ("I answer Your call, O Allah, to perform 'Umrah with Hajj in the *tammatu'* form") Or, "*Labbayka allahumma 'Umratan wa Ḥajjan.*" ("I answer Your call, O Allah, to perform 'Umrah and Hajj") Or, "*Labbayka allahumma Ḥajjan.*" ("I answer Your call, O Allah, to perform Hajj") Or, "*Labbayka allahumma 'Umrahtan.*" In this manner the individual verbalises the form of pilgrimage he intends.

This way of articulating one's objective has been authentically recorded in the *aḥadīth*.

"And if I am restrained by a barrier, then my place is where You have restrained me": This clause is stipulated in the articulation of one's objective. It is included in the articulation for fear that one might fall incapable of performing the pilgrimage due to illness. Originally, 'Atikah bint al-Zubayr (al-Zubayr was

508 Reported by al-Bukhārī (1/2, 12), (3/190) and Muslim (6/48) from the narration of 'Umar ibn al-Khaṭṭāb.

the son of the Prophet's uncle 'Abdul Muttalib) enquired to the Prophet ﷺ saying, "Verily I want to perform Hajj though I am ill." He replied, "Perform Hajj with a clause that, 'My place is where You have restrained me' and Allah shall reward you all that from which you were restrained."[509] So the original incident which brought about this clause was the inability of the companion of the Prophet ﷺ to perform Hajj. Therefore, whoever is in a similar predicament due to illness, the fear of resistance from the enemy or an obstruction that impedes in the completion of the pilgrimage may stipulate this clause. However, there is no evidence to support the healthy person who enjoys security to stipulate this clause when articulating his objective as the Companions of the Prophet did not practice this except for the female companion mentioned in the hadīth who was ill.

متن وأفضلُ الأَنساكِ التَّمتعُ، وصفته أن يُحْرِم بالعُمرة في أشهرِ الحج ويَفْرُغَ منها ثم يُحْرِمَ بالحجِّ في عامِه، وعلى الأُفُقِيِّ دمٌ

The best type of pilgrimage is *al-tamattu'*. Its description: One enters into *ihrām* with an intention to perform 'Umrah during the months of Hajj and completes it. He enters *ihrām* again for Hajj the same year. The non-resident [of the area surrounding Masjid al-Haram in Makkah] has to pay the "*dum*" penalty.

"The best type of pilgrimage is *al-tamattu*": There are three types of Hajj pilgrimage one can undertake: *Al-tamattu'*, which is the best as it was the Hajj that the Prophet ﷺ urged his Companions to perform. His Companions entered into *ihrām* for Hajj alongside him but he ordered them to shave their heads upon completing the *sa'ī* (walking between Mounts Safā and Marwah). They left the state of *ihrām* and then entered *ihrām* again for Hajj on the day of *tarwiyah* (8th of Dhul Hijjah). The Prophet ﷺ regretfully said, "Had I known beforehand about my affair what I have come to know later, I would have made *tahalul* with you all. But I have brought my sacrificial animal."[510] He was prevented from leaving *ihrām* and performing *al-tamattu'* because he had brought his sacrificial animal with him. This *hadīth* proves that *al-tamattu'* is the best form of Hajj pilgrimage.

509 Reported by al-Bukhārī (7/9) and Muslim (4/26) from the narration of 'Aishah. The report in Muslim was narrated by Ibn 'Abbās.

510 Reported by al-Bukhārī (2/195-196), (3/4-5) and Muslim (4/36-37) from the narration of Jābir ibn 'Abdullah.

"Its description: One enters into *iḥrām* with an intention to perform 'Umrah during the months of Hajj and completes it. He enters *iḥrām* again for Hajj the same year": *Al-tamattu'*: It is to enter *iḥrām* with an intention to perform 'Umrah during the months of Hajj. One leaves the state of *iḥrām* after completing 'Umrah. He then enters *iḥrām* again on the day of *tarwiyah* or 'Arafah with an intention to perform Hajj. He sacrifices an animal as expiation for the benefit [of performing 'Umrah and Hajj together.] This is provided that he is not a resident of the area surrounding Masjid al-Haram.

Al-qirān: It is to enter into *iḥrām* with an intention to perform 'Umrah and Hajj together beginning at the *mīqāt*. He must remain in the state of *iḥrām* until he completes the rites on the day of 'Eid or later. He must expiate by sacrificing an animal for this Hajj combines 'Umrah and Hajj. Allah says: **{Whomever performs 'Umrah [during the Hajj months] followed by Hajj [offers] what can be obtained with ease of sacrificial animals.}**[511]

The one who performs *al-qirān* is like the one who performs *al-tamattu'* as they both combine between Hajj and 'Umrah in one journey. The only difference between them is that the latter should not leave the state of *iḥrām* in the period between 'Umrah and Hajj.

Al-ifrād: It is to enter into *iḥrām* with the intention to perform only Hajj in the sacred months. He must remain in *iḥrām* until after completing all the rites on the day of 'Eid. He does not have to make an expiation.

"The non-resident": *Al-ufuqiyyu* refers to a non-resident. He must not be one who frequents al-Masjid al-Haram and requires no travelling to perform the rites.

متن وإن حاضت المرأةُ فخشيتْ فواتَ الحجِّ و أَحْرَمَتْ به وصارت قارنةً

And if a woman begins menstruating and she fears that she might miss out on performing Hajj, she may enter into *iḥrām* with the intention to do Hajj and she is considered as having intended *al-qirān*.

"And if a woman begins menstruating and she fears that she might miss out on performing Hajj, she may enter into *iḥrām* with the intention to do Hajj

511 Al-Baqarah: 196

and she is considered as having intended *al-qirān*": If a woman entered into *ihrām* with the intention to perform *al-tammatu'* has her menses before she performed the 'Umrah, she may alter her intention and enter into *ihrām* with the intention to perform 'Umrah and Hajj together, i.e. *al-qirān*. This predicament was experienced by 'Aishah. The Prophet ﷺ ordered her to enter into *ihrām* with the intention to perform Hajj thereby changing her pilgrimage to *al-qirān*.[512]

متن **وإذا استوى علي راحلته قال: لبيك اللهم لبيك، لبيك لا شريك لك لبيك، إن الحمد والنِّعْمَةَ لك والمُلْكَ لا شريك لك، يُصَوِّت بها الرجلُ وتُخفيها المرأةُ**

When one mounts his ride, he says, "*Labayk allāhumma labayk, labayka lā sharīka laka labayk, inna al-hamda wa al-ni'mata laka wa al-mulk, lā sharīka laka.*" (I am at Your service, O Allah, I am at Your service. You have no partner. I am at Your service. Verily praise and blessing belong to You, and the Kingdom. You have no partner.) Men should raise their voices when uttering it while the women lower their voices when they do so.

When a person makes the intention to enter *ihrām*, he is required to chant the *talbiyah* as it is from the signs of the *muhrim*. It is as follows, "*Labbayka allahumma labbayk, labbayka lā sharīka laka labbayk, inna al-hamda wa al-ni'mata laka wa al-mulku lā sharīka laka labbayk.*" (I am at Your service, O Allah, I am at Your service. You have no partner. I am at Your service. Verily praise and blessing belong to You, and the Kingdom. You have no partner.)

He begins saying the *talbiyyah* after the intention to enter into the state of *ihrām* and he says the *talbiyyah* when mounting his ride. He keeps repeating it time and again as long as he is a *muhrim* as chanting it is a distinguishing trait of the *muhrim*. The meaning of the word *talbiyyah* refers to answering the call.[513] He answers the call of Allah by accepting His invitation which was articulated by Ibrāhīm ﷺ who said: **{And proclaim to the people the Hajj (pilgrimage); they will come to you on foot and on every lean camel; they will come from every distant pass.}**[514]

512 Reported by al-Bukhārī (2/172) and Muslim (4/27-28, 29-30) from the narration of 'Aishah.

513 See *al-Sihāh* (1/216).

514 Al-Hajj: 27

Those performing Hajj and 'Umrah have accepted the invitation of Allah ﷻ and so they chant "*Labbayka*" (I am at your service). That is, answering the call again and again. "*Lā sharīka laka*" is a reminder of the oneness of Allah and one's sincerity to perform pilgrimage for Him alone. Acts of worship (*'ibādah*) are not accepted unless dedicated to Allah alone with *ikhlās* (sincerity). If it is dedicated to others along with Allah, then the acts of worship are rejected and are nullified. Hence, the *muḥrim* repeats this magnificent phrase again and again, every wakeful hour until he completes his rites and leaves the state of *iḥrām*.

"Men should raise their voices when uttering it while the women lower their voices when they do so": Each *muḥrim* performs the *talbiyyah* individually. To chant it in unison as a group is an innovation in Islam. All *adhkār* (remembrance of Allah) are done individually, not in a group. Doing so is a habit of the innovators in Islam. Men should raise their voices when they chant the *talbiyyah*. Women should lower their voices when performing it as their voices are a source of temptation and enticement. She chants it just loud enough so she can hear her own self.

باب محظورات الإحرام

CHAPTER: ACTS THAT ARE PROHIBITED WHILST IN IHRĀM

متن

وهي تِسْعَةٌ: حَلْقُ الشعرِ، وتَقْليمُ الأظْفارِ، فمن حَلَقَ أو قَلَّم ثلاثةً فعليه دمٌ، ومن غطّى رأسَه بملاصقٍ فَدًى، وإن لبس ذَكَرٌ مَخِيْطاً فَدَى

There are nine prohibitions: Shaving the hair, clipping the nails. A *muhrim* who shaves or clips three must pay the *dum* penalty. A *muhrim* who covers his head with a thing attached to it must expiate for it. A male *muhrim* who wears a stitched garment must expiate for it.

"Chapter: Acts that are prohibited while in *ihrām*": *Mahzūrāt* while in the state of *ihrām* are acts which are lawful but are forbidden during the state of *ihrām*. There are nine prohibited acts:

<u>First</u>: "Shaving the hair": It is forbidden for the *muhrim* to shave his or her hair regardless if it is hair on the scalp or hair on other parts of the body. Allah says: **{And do not shave your heads until the sacrificial animal reaches its place of slaughter.}**[515]

This proves that shaving of the hair on the scalp or removing it by other means is forbidden to the *muhrim*. This prohibition applies to all bodily hairs by way of analogy (*qiyās*) as long as he is in the state of *ihrām*.

<u>Second</u>: "Clipping the nails": The *muhrim* is forbidden to cut his nails as it

---

515 Al-Baqarah: 196

is similar to removing the hair provided that they were voluntarily detached. However, if it fell off by itself involuntarily or if part of the fingernail or toenail broke by itself, then there is no blame on the *muhrim*.

"A *muhrim* who shaves or clips three must pay the *dum* penalty": If a *muhrim* removes three strands of hair or clips three fingernails or toenails on purpose, then he must expiate by either sacrificing a sheep, fasting for three days or feeding six poor people. Sacrifice should take place in the sanctuary of the Haram (around the Holy Masjid) and those fed must be the poor people of the Haram.

As for the fasting, it can be done anywhere as Allah says: **{And whoever among you is ill or has an ailment of the head [making shaving necessary must offer.] A ransom of fasting [three days] or charity or sacrifice.}**[516]

The Prophet ﷺ explained this to K'ab ibn 'Ujrah ﷺ when the latter had to shave his hair due to an illness. He ﷺ said, "Sacrifice a sheep or feed six poor people, giving each half a *sa'* or fast three days."[517]

<u>Third</u>: "A *muhrim* who covers his head with a thing attached to it": It is forbidden for a male pilgrim to cover his head with a thing attached to it as long as he is in the state of *ihrām*. The Prophet ﷺ exposed his head while he was a *muhrim* as did his Companions. The Prophet ﷺ said regarding the man who fell of his animal and died, "Enshroud him in his two garments..." I.e. the two garments of *ihrām* "And do not cover his head nor apply perfume on him."[518] This is evidence to prove that a *muhrim* is forbidden to cover his head while alive or dead.

<u>Fourth</u>: "A male *muhrim* who wears a stitched garment must expiate for it": If a *muhrim* wears a stitched or tailored garment on his body or a part of it, he must offer an expiation. He may choose one of the following: sacrificing a sheep, feeding six poor people or fasting for three days. The Prophet ﷺ avoided wearing stitched clothes and only restricted himself to the *izār* and *ridā* (lower

516 Al-Baqarah: 196

517 Reported by al-Bukhārī (3/12, 13), (5/164), (6/33) and Muslim (4/20, 21, 22) from the narration of K'ab ibn 'Ujrah.

518 Reported by al-Bukhārī (2/96), (3/21) and Muslim (4/23, 24 and 25) from the narration of Ibn 'Abbās.

garment and the shawl).

متن وإن طيَّبَ بدنَه أو ثوبَه أو ادَّهـن بِمُطَيِّبٍ أو شمَّ طِيباً أو تبخَّر بعودٍ ونحوه فَدَى

If he applied perfume on his body or garments, smeared himself with a fragrant substance, inhaled it or burnt *'oud* or something similar to it, he must offer an expiation.

Fifth: "If he applied perfume on his body or garments, smeared himself with a fragrant substance, inhaled it or burnt *'oud* or something similar to it, he must offer an expiation": It is prohibited for a *muhrim* to apply any kind of perfume, be it in liquid form or in the form of smoke (i.e. *bakhūr*) or powder. All these fragrances are forbidden whilst being a *muhrim*. The Prophet ﷺ said about a *muhrim*, "... And he shall not attire himself in a garment that has been scented with the dye plant or saffron."[519]

The Prophet ﷺ said regarding the man who died while in the state of *ihrām* after falling from his riding animal, "... Nor apply perfume on him."[520] This is evidence that a *muhrim* should not apply perfume upon himself or his garments after assuming *ihrām*. He should not inhale the perfume as well. If he does any of these things intentionally, then it is *wājib* upon him to offer one of the three methods of expiation mentioned above.

متن وإن قتـل صيـداً مأكـولاً برِّياً أصـلاً، ولـو تولَّد منه ومن غيره، أو تَلِفَ في يـده فعـليه جـزاؤه

If he kills an edible prey which is originally a land-dweller or a cross-bred offspring of this type of prey or it perished whilst in his possession, then he must pay a penalty.

Sixth: "If he kills an edible prey which is originally a land-dweller": Hunting is prohibited for the *muhrim* within the sanctuary of the Haram or outside of it. Allah says: **{O you who have believed, do not kill game while you are in**

519 Reported by al-Bukhārī (3/20-21), (7/187) and Muslim (4/2) from the narration of Ibn 'Umar.

520 Reported by al-Bukhārī (2/96), (3/21) and Muslim (4/23, 24 and 25) from the narration of Ibn 'Abbās.

the state of *ihrām*.}[521]

Hunting is forbidden for the *muhrim* as long as he is in the state of *ihrām*. He may do so after he has made *tahalul* as Allah says: **{But when you come out of *ihrām*, then [you may] hunt.}**[522]

The prey that should not be hunted are the land-dwelling animals. Wild animals that originally live on land for example birds, gazelles, rabbits and other similar animals are prohibited for hunting when one is a *muhrim*. However, domesticated animals like cows, sheep and camels which become feral after escaping captivity are not prohibited from being hunted when one is a *muhrim*. This is because they are not considered to be game.

"Or a cross-bred offspring of this type of prey": If a wild land-dwelling animal cross-breeds with a domesticated animal, the resulting off-spring is prohibited for hunting by a *muhrim* for it is better to err on the side of caution.

متن ولا يحرم حيوانٌ إنْسي، ولا صيدُ البحر، ولا قتلُ محرَّمِ الأكلِ، ولا الصائلُ

Domesticated animals are not prohibited, nor are marine animals, animals forbidden for consumption and pests.

"Domesticated animals are not prohibited": I.e. to be hunted. Examples would be camels, cows and sheep, chicken and all other animals that live in human surroundings. It is permitted to slaughter and eat their meat. Similarly, animals in the sea can be hunted for food. Allah says: **{Lawful to you is game from the sea and its food.}**[523]

"Nor are marine animals": Game from the sea is not forbidden for hunting by the *muhrim*. It is permissible for him to hunt whales and fish and other marine animals that live only in the water. The *muhrim* is only prohibited from hunting land-dwelling animals: **{But forbidden to you is game from the land as long as you are in the state of *ihrām*.}**[524] Hence it can be extrapolated from this that hunting marine animals is not prohibited for the *muhrim*.

521 Al-Mā'idah: 95

522 Al-Mā'idah: 2

523 Al-Mā'idah: 96

524 Al-Mā'idah: 96

"Animals forbidden for consumption": Animals and birds whose meat is not *halāl* for consumption can be killed when one is in the state of *ihrām*. Examples are the wolf, lion and other similar animals. The reason it is permitted to kill them, though these animals are land-dwellers, is that they are not considered game. Allah ﷻ has only forbidden the hunting of land-dwelling game by the *muhrim*.

"And pests": Animals that are pests to humans and that which harm them, attack and eat them or steal their food supply are allowed to be killed in self-defence. There is no penalty incurred in killing these types of animals.

متن

ويحرم عقدُ نكاحٍ، ولا يصحُّ، ولا فديةٌ، وتصحُّ الرجعةُ

The marriage contract is forbidden and is invalid. No expiation is required. Reunion of divorcees is permissible.

<u>Seventh</u>: "The marriage contract is forbidden and is invalid": Among the things that must be avoided when one is in the state of *ihrām* is the marriage contract (*nikāh*), i.e. the contract where the bride is officially offered by her guardian and accepted by the groom. A *muhrim* must not marry nor marry off a woman as a *wali* (guardian) regardless if the groom is a *muhrim* or not. The Prophet ﷺ said, "The *muhrim* should not marry nor should he give a woman away in marriage."[525] That is, he should not marry a woman himself nor should he preside over marrying off a woman to another man. A man should also not act as a proxy in giving a woman away in marriage as long as he is a *muhrim*.

If he gives a woman away in *nikāh* as a *wali* or he himself makes *nikah* whilst he is a *muhrim* or the woman is in the state *ihrām* when the *nikāh* takes place, then the marriage contract is nullified. This is because the *nikāh* contract contravened the *Sharī'ah*. However, no expiation is required as Allah has not made it *wājib* in this situation. However, it is a forbidden act and a sin. The woman is not permissible for him as the *nikāh* is invalid. Hence, they should repeat the contract when they have left the state of *ihrām*.

"Reunion of divorcees is permissible": The woman who is observing the trial separation may return to her spouse. This is permissible when either one or both of them are in the state of *ihrām*. This is because reunion is unlike *nikāh*.

525 Reported by Muslim (4/136) from the narration of 'Uthmān ibn Affān.

Trial separation is observed when a man pronounces "*talaq*" the first or second time. If he wants to reunite with her whilst being a *muhrim*, then he is permitted to do so as unlike a new *nikāh* contract, reunion is an extension of *nikāh* that was contracted before.

متن وإن جامَعَ المحرمُ قبل التحلُّلِ الأولِ فَسَدَ نُسكُهما، ويَمضيانِ فيه ويَقضيانهِ ثانيَ عامٍ

If the *muhrim* has sexual intercourse before he attains the primary *tahalul*, the couple's pilgrimage is nullified. However, they should proceed to complete all of the rites. They must then make up for this pilgrimage the next year.

Eighth: "If the *muhrim* has sexual intercourse before he attains the primary *tahalul*, the couple's pilgrimage is nullified. However, they should proceed to complete all of the rites. They must then make up for this pilgrimage the next year": Sex is a prohibited act for a *muhrim*. If he has sex, his pilgrimage is nullified if it took place before the primary *tahalul*, i.e. before he throws the pebbles at Jamrah al-Aqabah and shaves his head. This is the first *tahalul*.

The second *tahalul* includes the throwing of the pebbles at Jamrah al-Aqabah, shaving of the hair, *tawāf al-ifādah* along with *sa'i* (for those who are obliged to perform *sa'i*). If he completes all of these rites, then he has made complete *tahalul* and so may proceed to make the *nikāh* contract or have sexual intercourse with his wife.

However, if he just performed two of the three rites, for example, he threw the pebbles and shaved or threw the pebbles and performed *tawāf*, then he has just completed the primary *tahalul* where all hitherto prohibited acts become permissible except sexual intercourse with his spouse. If he has sex after just the primary *tahalul* and before completing the second *tahalul*, his Hajj is rendered null and void. He must proceed to complete the remaining rites of Hajj even though it is inconsequential and without merit. He is obliged to offer expiation by sacrificing an animal. A third remedial act is to make up for this Hajj by performing it the next year. He must enter into *ihrām* from the same *mīqāt* as that of the previous Hajj and must go on to make up the Hajj rites in its entirety.

متن وتحرمُ المباشرةُ، فإن فعلَ فأنزلَ لم يَفْسُدْ حجُّـه، وعليه بَدَنَةٌ، لكنْ يُحْرِمُ من الحِلِّ لطوافِ

الفرضِ

Caressing a woman is prohibited. If sperm flows due to this action, his Hajj is still valid. He must sacrifice an animal as expiation. However, he must enter into *ihrām* after *tahalul* so as to perform *tawāf al-fard*.

Ninth: "Caressing a woman is prohibited. If sperm flows due to this action, his Hajj is still valid. He must sacrifice an animal as expiation. However, he must enter into *ihrām* after *tahalul* so as to perform *tawāf al-fard*": I.e. to engage in foreplay without penetration. If sperm flows without penetration, then his Hajj is still valid. However, he must offer an expiation similar to that of one who had sexual intercourse. The expiation is to slaughter a sheep. Unlike having sex, caressing a woman does not nullify one's Hajj. He must slaughter a sheep even if sperm does not flow after heavy caressing or foreplay.

"However, he must enter into *ihrām* after *tahalul* so as to perform *tawāf al-fard*": This refers to performing *tawāf al-ifādah* as a *muhrim*. What is being conveyed here is that a man must enter into *ihrām* if he has sexual intercourse before attaining the second *tahalul*. This is an error and something not legislated in Islam.[526] This man has already made the primary *tahalul*. So how can he possibly enter into *ihrām* a second time?

متن وإحرامُ المرأةِ كالرجلِ إلا في اللباس، وتجتنبُ البُرْقُعَ والقُفَّازَين وتَغْطِيَةَ وجْهِها، ويُباحُ لها التحلِّي

The *ihrām* of a woman is similar to that of a man except for the attire. She must avoid the *burqa'* and gloves. She must not also cover her face but wearing jewellery is permitted.

"The *ihrām* of a woman is similar to that of a man": After having explained the prohibited acts for a male *muhrim*, the author tackles the issues pertaining to women saying that all that is prohibited for a man is prohibited for a woman.

"Except for the attire": She is allowed to wear stitched or tailored clothes. She need not wear special garments to enter into the state of *ihrām*, her ordinary clothing will suffice. However, she must avoid the following:

526 See *al-Rawd al-Marbi'* by al-Bahūtī (p. 196).

Firstly: "She must avoid the *burqa*": This is something similar to a *niqāb* (face veil). Both are stitched cloth used to cover the face where only the eyes are visible. The Prophet ﷺ, when asked about a woman's attire, said, "She must not wear a *niqāb*."[527] However, she may cover her face using other than a *niqāb* or *burqa'* like a shawl or a scarf that is on her head or attached to her dress. She can draw it over her face if she meets a male who is not her *mahram*. 'Aishah said, "We were with the Prophet ﷺ [during Hajj] when a man went past us. Each of us drew our scarves over our heads and faces, uncovering it only after he had left."[528]

It is not prohibited for a woman to cover her face whilst she is a *muhrim*. In fact, it is *wājib* upon her to cover her face so that men who are non-*mahram* cannot see it. That which is prohibited is to cover her face with a stitched cloth or attire like the *burqa'* or *niqāb*.

Secondly: The wearing of gloves is prohibited for her whilst she is in the state of *ihrām*. She may cover her hands using her robe or her dress so that they are not exposed to men.

"Wearing jewellery is permitted": Women who are in the state of *ihrām* are allowed to wear jewellery but they should not let it be apparent for men to see. She should conceal her jewellery with her clothes as she is forbidden to show it off to men who are not her *mahram*. This last statement is true regardless if she is a *muhrim* or not. She should conceal her adornments as it is a form of *fitnah*.

527 Reported by al-Bukhārī (3/19) from the narration of Ibn 'Umar.

528 Reported by Ahmad (6/30), Abu Dawūd (1833) and Ibn Mājah (2935).

باب الفدية
CHAPTER: AL-FIDYAH

"Chapter: *Al-Fidyah*": *Fidyah* is expiation in the form of sacrificing an animal[529] which could be due to performing the *tamattu'* or *qirān* forms of Hajj or it could be due to a violation during pilgrimage when one performs a forbidden act or misses out on doing a *wājib* act. *Fidyah* is also offered if one faces restrictions in performing the rites of Hajj completely.

The *fidyah* which is *wājib* is of three types:

First type: *Fidyah* offered whilst performing Hajj *al-tamattu'* or *al-qirān*.

Second type: *Fidyah* as atonement for violation of Hajj rites when an act forbidden during the state of *iḥrām* is committed or if a *wājib* act of the Hajj or 'Umrah rites is omitted. This expiation will atone for the shortcomings of the pilgrimage.

Third type: *Fidyah* offered due to certain restrictions.

متن

يُخَيَّر بفديةِ حلقٌ وتقليمٌ وتغطيةُ رأسٍ وطيبٌ ولبسُ مَخِيْطٍ بين صيامِ ثلاثةِ أيامٍ أو إطعامِ سِتة مساكين لكلِّ مسكينٍ مُدُّ بُرٍّ أو نصفُ صاعِ تمرٍ أو شعيرٍ أو ذبحِ شاةٍ

There are three options for offering *fidyah* for the violation of shaving the hair, clipping of nails, covering the head, applying perfume and wearing stitched clothes. The options are: fasting three days or feeding six poor peo-

529 See *al-Mutla'* (p. 177).

ple. The poor is given a *mudd*[530] of wheat or half a *sā'* of dates or barley. He can also opt to sacrifice a sheep.

"There are three options for offering *fidyah* for the violation of shaving the hair, clipping of nails, covering the head, applying perfume and wearing stitched clothes. The options are: fasting three days or feeding six poor people. The poor is given a *mudd* of wheat or half a *sa'* of dates or barley. He can also opt to sacrifice a sheep": *Fidyah* as an atonement is divided into two categories:

Firstly: *Fidyah* with options. This sub-divides into two. The first sub-division is the *fidyah* of relief from harm, where one does an act to remove something that harms him. If one shaves his head, it is *wājib* upon him to offer *fidyah* by sacrificing a sheep in Makkah and distributing it to the poor people or by feeding six poor people from the inhabitants of the Haram. He must feed each person half a *sā'* which is equivalent to one and a half kilogram. He may also opt to offer the *fidyah* by fasting for three days.

Through analogy, we can derive a similar ruling for clipping of the finger or toe nails, applying perfume and covering of the head from the original ruling of shaving the head. This is because these acts, like the shaving of the head, are acts done in deference to one's whims and thus assume a similar ruling. Hence a person who does these acts must offer *fidyah* in any one of the three ways. Allah says: **{And do not shave your heads until the sacrificial animal has reached its place of slaughter. And whoever among you is ill or has an ailment of the head [making shaving necessary, must offer] a ransom of fasting [three days] or charity or sacrifice.}**[531]

The Prophet ﷺ explained the meaning of this ayah in the hadīth narrated by K'ab ibn 'Ujrah whose hair was infested with lice.[532] He ﷺ ordered him to shave his head and offer expiation by either sacrificing a sheep, feeding six poor people (with each person given half a *sā'* of food) or fasting for three days. He is at liberty to choose one of the three options.

530 Translator's note: a *mudd* is a unit of dry measure which is a quarter of a *sa'* or 375 grams.

531 Al-Baqarah: 196

532 Reported by al-Bukhārī (3/12, 13), (5/164), (6/33) and Muslim (4/20, 21 and 22) from the narration of K'ab ibn 'Ujrah.

وبجَزَاءِ صيدٍ بين مِثْلٍ إن كان، أو تقويمُه بدراهمَ يشتري بها طعاماً فيطعم كلَّ مسكينٍ مُدّاً، أو يصوم عن كلِّ مُدٍّ يوماً وبما لا مِثْلَ لـه بين إطعامٍ وصيامٍ متن

The expiation for hunting is to offer a similar animal as sacrifice or the value of it in cash with which food is bought to feed each poor person a *mudd* of food. He may opt to fast a day for each *mudd*. The expiation for hunting an animal that cannot be procured easily is to choose between feeding the poor and fasting.

"The expiation for hunting is to offer a similar animal as sacrifice or the value of it in cash with which food is bought to feed each poor person a *mudd* of food. He may opt to fast a day for each *mudd*": The second type of *fidyah* with options is the *fidyah* for hunting an animal. This can be subdivided into two: Firstly, the *fidyah* that has three options and secondly, the *fidyah* that has only two options.

If a *muhrim* kills an animal forbidden to kill in *ihrām* or he helped to kill it or gave directions that led to its killing. He must offer *fidyah* as commanded by Allah in the ayah: **{O you who have believed, do not kill game while you are in the state of *ihrām*. And whoever of you kills it intentionally, the penalty is an equivalent from sacrificial animals to what he killed, as judged by two just men among you as an offering delivered to the Ka'bah, or an expiation: the feeding of needy people of the equivalent of that in fasting, that he may taste the consequence of his deed.}**[533]

Fidyah which has three options: If he kills an animal intentionally, it becomes *wājib* upon him to sacrifice an animal similar to that which he killed. I.e. a similar animal to it from sacrificial animals. Allah says: **{The penalty is an equivalent from sacrificial animals to what he killed.}** This will be discussed in greater detail later on in the chapter. Hence, he must sacrifice an animal similar to the one he killed while in *ihrām*. He may also purchase food with cash that is of equal value to the animal killed. He then distributes the food to poor people; giving each person a *mudd* of wheat, which is a quarter of a *sa'*. He may also opt to fast instead. The number of days fasted must be equivalent to the number of poor people he would have fed had he distributed the food.

Fidyah which has two options: "The expiation for hunting an animal that can-

533 Al-Mā'idah: 95

not be procured easily is to choose between feeding the poor and fasting": In this case he may buy food with cash equal to the value of the killed animal and distribute it to the poor in the Haram, giving each person a *mudd*. He may also opt to fast the number of days equivalent to the number of poor people he would have fed had he distributed the food.

متن وأما دمُ مُتْعَةٍ وقِرانٍ فيجبُ الهَدْيُ، فإنْ عَدِمَهُ فصيامُ ثلاثةِ أيامٍ، والأفضلُ كونُ آخرِها يومُ عرفة، وسبعة إذا رجع إلى أهله

It is *wājib* to offer the *dumm* penalty for *al-tamattu'* and *qirān* pilgrimage by sacrificing an animal. If it is not available, then by fasting for three days, to let the last of these fasts fall upon the day of 'Arafah is best, and seven days after returning to his family.

"It is *wājib* to offer the *dumm* penalty for *al-tamattu'* and *qirān* pilgrimage by sacrificing an animal. If it is not available, then by fasting for three days": The *dumm* penalty becomes *wājib* due to the combining of Hajj and 'Umrah in the *tamattu'* and *qirān* forms of pilgrimage. Allah mentions this in the ayah: **{Then whoever performs 'Umrah [during the Hajj months] followed by Hajj [offers] what can be obtained with ease of sacrificial animals. And whoever cannot find (or afford such an animal), then a fast of three days during Hajj and of seven when you have returned [home].}**[534]

Order in priority must be observed for the *fidyah* of the *tamattu'* and *qirān* forms of pilgrimage. If he is able to sacrifice a sheep or equally shares with seven others to sacrifice a camel or a cow (i.e. one seventh of either of these two), then it is *wājib* upon him to do so. However, if he is unable to do so due to poverty or loss of provisions, he has to fast for three days during the Hajj.

"To let the last of these fasts fall upon the day of 'Arafah is best": It is *mustahabb* to fast the three days before the day of 'Arafah if he entered into *ihrām* with the intention of 'Umrah. He can fast the three days from the day he entered *ihrām* for 'Umrah or afterwards up until the day of 'Arafah, and this is *mustahabb*. If he is unable to fast before the day of 'Arafah, he may do so on the days of *tashrīq*, i.e. the eleventh, twelfth and thirteenth of Dhul Hijjah. 'Aishah reported that no woman was given a concession to fast on the days of

534 Al-Baqarah: 196

tashrīq except those who performed the *tamattu'* and *qirān* forms of pilgrimage.[535]

"And seven days after returning to his family": When he returns to his family, that is, after completing the rites of Hajj, he must fast the remaining seven days. Allah says: **{And whoever cannot find (or afford such an animal), then a fast of three days during Hajj and of seven when you have returned [home]; these [make] ten [days] complete.}**[536]

متن

والمُحْصَرُ إذا لم يجدْ هَدْياً صام عشرةً ثم حَلَّ

And if the one facing restrictions is unable to secure a sacrificial animal, then he must fast ten days and then make *tahalul*.

"And if the one facing restrictions is unable to secure a sacrificial animal, then he must fast ten days and then make *tahalul*": This is the third type of *fidyah* which is mandatory. Restrictions (*al-ihsār*) are that which prevent a pilgrim from performing the rites of pilgrimage.[537] If we say for example, that a person entered into *ihrām* so as to perform Hajj or 'Umrah and then is barred from visiting Masjid al-Haram and is incapable of reaching it. In this predicament, it is *wājib* upon him to offer *fidyah*. He may sacrifice an animal at the location he was barred from moving onwards from. He then makes *tahalul* just as the Prophet ﷺ had done when the polytheists barred him from entering the Haram sanctuary during the year of Hudaybiyyah. He ﷺ sacrificed his animal and ordered his Companions to do likewise. They all then made *tahalul* and left the state of *ihrām*. He who is unable to secure a sacrificial animal must fast ten days. This rule was derived by analogical comparison to the *fidyah* owed when performing *al-tamattu'*.

متن

ويجبُ بوطءٍ في فرج في الحجِّ بدنةٌ، وفي العُمْرة شاةٌ، وإن طاوعتْه زوجتُه لزماها

Having full sexual intercourse during Hajj will necessitate the sacrifice of a camel. If this was performed during 'Umrah then a sheep is sacrificed. If she willingly participated with her husband, then she must offer the expiation as well.

535 Reported by al-Bukhārī (3/56) narrated by 'Aishah and Ibn 'Umar.

536 Al-Baqarah: 196

537 See *al-Dar al-Naqī* (1/412) and *al-Misbah al-Munīr* (p. 190).

We will now discuss the type of *fidyah* that is atonement for committing forbidden acts whilst in the state of *ihrām*. When a *muhrim* performs intercourse before making the primary *tahalul*, it becomes *wājib* upon him to offer *fidyah*, offering an animal for sacrifice. That is, the couple must sacrifice one camel if they had sex before making the primary *tahalul*.

"If this was performed during 'Umrah then a sheep is sacrificed": If they had intercourse while both of them were in the state of *ihrām* to perform 'Umrah and it took place before they performed the *tawāf* and *sa'ī*, then it is *wājib* upon each of them to sacrifice a sheep. Their 'Umrah is nullified. Nevertheless they should proceed to complete the rites of 'Umrah. They should then enter into *ihrām* to perform another 'Umrah from the same *mīqat* as their previous 'Umrah. They repeat their Umrah so as to make up for the one that was nullified. However, if they had intercourse after performing *tawāf* and *sa'ī* but before shaving or shortening the hair, then it is *wājib* for each of them to offer an animal for sacrifice but their 'Umrah is valid.

"If she willingly participated with her husband, then she must offer the expiation as well": That is, she acceded to his request to have intercourse and was not averse to it. In this case, it is *wājib* upon her to sacrifice a camel for having sexual intercourse during Hajj and a sheep for having sexual intercourse during 'Umrah. This is because she is also culpable as the sex was consensual. If she was forced to have intercourse against her will, then she is not to be blamed and need not offer the sacrifice. The Prophet ﷺ alluded to this saying, "My nation is forgiven for their mistakes, forgetfulness and that which is coerced upon them."[538]

538 Reported by Ibn Hibbān in his *Sahīh* (7219), al-Dāraqutnī (4/170-171) and al-Bayhaqī in *al-Sunan al-Kubrā* (7/356) from the narration of 'Abdullah ibn 'Abbās.

فصـــل
SECTION

متن

ومن كرَّر محظوراً من جنسٍ ولم يَفْدِ فَدَى مَرَّةً، بخلافِ صيدٍ

If a person repeats a forbidden act of the same nature and has not yet offered *fidyah* for the first one, then he just has to offer it once. This, however, does not apply to hunting.

"Section": Clarification that repetition of forbidden acts does not necessitate repeated expiations.

"If a person repeats a forbidden act of the same nature and has not yet offered *fidyah* for the first one": For example, if he plucked out some hairs from his head or body and then repeated it by plucking more hair a few more times, then this constitutes a repetition of the forbidden act of the same nature. He is obliged to offer only one *fidyah* in the event that he has yet to do so for the forbidden act committed initially. However, if he had offered the *fidyah* after the initial forbidden act and then went on to repeat the forbidden act of the same nature, he must offer the *fidyah* once again as a merger of forbidden acts is not possible after the *fidyah* has been offered.

"This, however, does not apply to hunting": *Fidyah* is necessary for every single animal which was killed in this manner. Allah says: **{And whoever of you kills it intentionally, the penalty is an equivalent from sacrificial animals to what he killed.}**[539] Hence, *fidyah* is to be offered repeatedly corresponding with the number of animals hunted.

539 Al-Mā'idah: 95

متن ومَنْ فعل محظوراً من أجناسٍ فَدَى لكلٍّ مرةٍ، رَفَضَ إحرامَه أو لا

He who commits various forbidden acts must offer *fidyah* each time a forbidden act is committed; even if it nullifies his state of *ihrām*.

This is an explanation of *fidyah* being repeated each time a violation is done.

"He who commits various forbidden acts must offer *fidyah* each time a forbidden act is committed": For example, he shaved his head then had sexual intercourse with his wife and finally killed an animal that he is forbidden to hunt. These are a variety of forbidden acts. He is obliged to offer *fidyah* for each forbidden act committed. Offering just one *fidyah* will not suffice.

"Even if it nullifies his state of *ihrām*": His state of *ihrām* being rendered null and void does not pardon him from offering the *fidyah*. Even when his state of *ihrām* is nullified, he is obliged to complete all the rites of pilgrimage. A person who enters into *ihrām* is duty-bound to do so as Allah says: **{And complete Hajj and 'Umrah for Allah.}**[540] And He says: **{So whoever has made Hajj obligatory upon himself therein [by entering the state of *ihrām*.]}**[541]

That is, he who enters into the state of *ihrām*. *Ihrām* is termed as *farada* (obligation) by Allah because anyone who enters into it is obliged to complete it, even when his *ihrām* is nullified in the process.

متن ويسقطُ بنسيانٍ فديةُ لُبْسٍ وطيبٍ وتغطيةِ رأسٍ، دون وَطْءٍ، وصيدٍ وتقليمٍ، وحِلاَقٍ

A person who forgetfully does the following forbidden acts is pardoned of *fidyah*: wearing stitched garments, applying perfume and covering the head. Sexual intercourse, hunting, clipping nails and shaving the head are excluded.

"A person who forgetfully does the following forbidden acts is pardoned of *fidyah*": The author is discussing the case where a person commits a forbidden act in a state of forgetfulness. When is the offering of *fidyah* pardoned? When is it not?

540 Al-Baqarah: 196

541 Al-Baqarah: 197

If a *muhrim* commits a forbidden act that causes damage, then its *fidyah* cannot be pardoned even if it was performed forgetfully. Examples are: shaving the head and clipping the nails. However *fidyah* for a forbidden act that does not cause damage is pardoned if committed forgetfully. Examples are: applying perfume, wearing stitched garments and covering the head. The Messenger of Allah ﷺ said, "My nation is forgiven for their mistakes, forgetfulness and that which is coerced upon them."[542]

The correct opinion is that *fidyah* is pardoned in two aspects that stem from forgetfulness: Allah says: **{Our Lord! Do not impose blame upon us if we have forgotten or erred.}**[543] He says: **{And there is no blame upon you for that in which you have erred but [only for] what your hearts intended.}**[544]

When mentioning about hunting, Allah says: **{And whoever of you kills it intentionally- the penalty is an equivalent from sacrificial animals to what he killed.}**[545] And the saying of the Prophet ﷺ, "My nation is forgiven for their mistakes, forgetfulness and that which is coerced upon them."[546]

متن وكلُّ هَدْيٍ أو إطعامٍ فَلِمساكينِ الحَرَمِ، وفديةُ الأذى واللُّبْسِ ونحوِهما ودمُ الإحصارِ حيثُ وجدَ سببه، ويُجزئُ الصومُ بكلِ مكانٍ

All animals sacrificed and feeding of food should be given to the poor people of the Haram. The *fidyah* offered for causing harm, wearing of stitched garments and the like and the *dumm* penalty offered by one who has restrictions can be given wherever it is stipulated. Fasting can be done anywhere.

The author here discusses the place of the types of *fidyah*.

"All animals sacrificed and feeding of food should be given to the poor people of the Haram": All animals sacrificed for performing the *tamattu'* form of pilgrimage and as *fidyah* for atonement must be given to the poor people of the

542 Reported by Ibn Mājah (2040 and 2043) from the narration of Abu Dharr.

543 Al-Baqarah: 286

544 Al-Ahzāb: 5

545 Al-Mā'idah: 95

546 As mentioned in *al-Insāf*, "Abu Muhammad al-Jawzī and others preferred this view, which is also the author's view, i.e. Ibn Qudāmah." (3/527)

Haram. In fact, the slaughter should take place within the boundary of Haram. Its meat should be distributed to the poor people therein. Similarly, food should be distributed to the poor people of the Haram. It is not permissible to feed people living outside the Haram.

"The *fidyah* offered for causing harm, wearing of stitched garments and the like and the *dumm* penalty offered by one who has restrictions can be given wherever it is stipulated": *Fidyah* that is made *wājib* due to the individual being restricted and the *fidyah* offered due to committing forbidden acts by way of sacrificing an animal or feeding the poor may be carried out at the place where it becomes *wājib*. That is, the place where the forbidden act was committed; regardless whether it is within the Haram or outside. The Prophet ﷺ sacrificed his animal and distributed its meat at Hudaybiyyah where he was prevented from moving onwards. This place is outside of the Haram.

"Fasting can be done anywhere": There is no restriction as to where one can perform the expiating fasts. He may fast on his journey, in his country or in Makkah. All of this is permissible. Fasting is not restricted to the Haram.

متن والدمُ شاةٌ أو سُبعُ وبدنةٍ وتجزئُ عنها بقرة

The *dumm* is a sheep or a seventh of a camel. To offer a cow instead is permissible.

"The *dumm* is a sheep or a seventh of a camel. To offer a cow instead is permissible": *Al-dumm* (the penalty) refers to a small cattle animal. It may be a sheep or goat. A sheep should be at least six months old while the goat should be at least a year old. The animal should be free from any defects as would be the animal meant to be sacrificed for 'Eid al-Adhā. Seven people may share equally to offer a camel. He then takes his seventh of the total meat and distributes it to the poor people of the Haram as *fidyah*. It is not necessary that the other six share-holders have an intention to offer *fidyah*. They might have performed the sacrifice just for the meat. It is inconsequential. He may also equally share with six others to offer a cow. A cow is a replacement for a camel.

باب جزاء صيد
CHAPTER: COMPENSATION FOR HUNTING

متن

في النعامة بدنة، وحمار الوحش وبقرته، والأيل والثيتل والوعل بقرة، والضبع كبش، والغزال عنز، والوبر والضب جدي، واليربوع جفرة، والأرنب عناق، والحمامة شاة

The *fidyah* for an ostrich is a camel and for a donkey and its jenny, mountain billy goat, old mountain billy goat and mountain goat it is a cow. For a hyena it is a ram, for a gazelle it is a goat. For the hyrax and desert lizard it is a kid. For the jerboa it is a male kid of a she-goat. For a rabbit it is a female kid of a she-goat and for a pigeon it is a sheep.

"Chapter: Compensation for Hunting": We discussed earlier that hunting is divided into two types: (i) the animals that have a similar type that can be given as a replacement (ii) those that do not. A similar animal should be offered as sacrifice if an animal that is replaceable is killed while a person is in the state of *ihrām*. The sacrificed meat is to be distributed to the poor people of the Haram. He may buy food that is of equivalent value to the animal and feed the poor of the Haram instead.

"For an ostrich": The *fidyah* for killing an ostrich is a camel. Camels have features similar to the ostrich. So it is sacrificed as a replacement for an ostrich.

"And for a donkey and its jenny, mountain billy goat, old mountain billy goat and mountain goat it is a cow": "*Al-ayyil*" is a male mountain billy goat. "*Al-thaytil*" is an old mountain billy goat and "*al-w'al*" is the general term for mountain goats. A cow is to be sacrificed as *fidyah* for killing these animals as they are alike. The cow is very much similar to the male and female donkey and

the young and old mountain billy goats.

"For a hyena it is a ram": This is because the hyena is considered a game whose meat is edible as proven by an authentic hadīth.[547] If a *muhrim* kills a hyena, it is *wājib* upon him to sacrifice a male sheep as *fidyah* as the animals are alike.

"For a gazelle it is a goat": As the animals share common features.

"For the hyrax and desert lizard it is a kid. For the jerboa it is a male kid of a she-goat": The hyrax is from the animals of the wilderness that are lawful to eat. The desert lizard is well known. The *fidyah* for hunting these two animals is to sacrifice a *jadiyun*, meaning the child of a she-goat, as its gait is similar to these two animals.

The jerboa is an animal with a small body that resembles a young she-goat.

"For a rabbit it is a female kid of a she-goat": This is because the rabbit and the female kid of a she-goat are alike in many ways.

"For a pigeon it is a sheep": Both these animals lap up water in a similar fashion when drinking it.

547 Reported by Ahmad (3/318, 322), Abu Dawūd (3801), al-Tirmidhī (851, 1791), al-Nasā'ī (5/191), (7/200) and Ibn Mājah (3236, 3085) from the narration of Jābir ibn 'Abdullah.

باب صيد الحرم
CHAPTER: HUNTING IN THE HARAM

متن

يحرم صيدُه على المُحْرِمِ والحَلاَلِ، وحُكْمُ صيدِه كصيدِ المُحْرِمِ

The game of the Haram is forbidden for the *muhrim* and the non-*muhrim* alike. The ruling pertaining to its game is similar to the hunting done by a *muhrim*.

"Chapter: Hunting in the Haram": After explaining the rules that apply to a *muhrim* if he hunts within the Haram or beyond its boundaries, the author discusses hunting within the Haram sanctuary specifically. The Haram here refers to the sacred sanctuary of Makkah which has a range of a few miles. This is the Haram sanctuary that is associated with the rule that is to be discussed.

"The game of the Haram is forbidden for the *muhrim* and the non-*muhrim* alike": Killing of animals is prohibited by the *muhrim* and the non-*muhrim* alike. The game that live within the borders of Haram are not to be hunted by the *muhrim* or anyone else.

Rulings that are associated with the Haram:

First: "The ruling pertaining to its game is similar to the hunting done by a *muhrim*": The ruling for hunting game that live within the Haram is similar to the hunting done by the *muhrim* in terms of the violation and the gravity of sin. It is similar in terms of the requirement of *fidyah* that is *wājib* upon the *muhrim* who hunts game. This was discussed in the earlier section. When describing the Haram sanctuary, the Prophet ﷺ said, "Its game is not to be

pursued."[548]

متن ويَحْرُمُ قطعُ شجرِهِ وحَشيشِهِ الأخضرَين، إلا الإذْخر

Cutting its trees and the green under-growth is prohibited except *al-idhkhir*.

Second: "Cutting its trees": Among the things that are forbidden in Makkah is the cutting of its green trees. As for dead trees that have dried up, it is permissible to cut them for this falls under things that are damaged.

Third: "Green under-growth": It is not permitted for anyone to cut or remove the green grass and foliage that grows on the ground. However, if it has withered and dried up, there is no issue in removing it. This is because it falls under the category of things that are damaged.

"Except *al-idhkhir*": It is a type of green grass that has a lemon fragrance. This grass can be cut or removed when it is green and healthy or if it has withered and dried up. The Prophet ﷺ made an exception for it when he ordered that the under-growth of Haram be left intact. He said, "Exept for *al-idhkir*."[549] This is because it serves a need of the people e.g. to place it on the roof of their houses and it is used as a filler in the compartment (*al-lahd*) within the grave so that dirt does not fall atop the corpse. Hence the Prophet ﷺ approved the removal of *al-idhkhir* from the Haram as there was a need for it.

Fourth: No item should be picked up in the Haram except by the *munshad*, this is the person who announces the found item until it is returned to its owner.

متن ويحرم صيدُ المدينةِ، ولا جزاءَ فيه، ويباحُ الحشيشُ لِلْعَلَفِ وآلة الحرث ونحوه، وحَرَمُها ما بين عَيْرٍ إلى ثَوْر

Hunting game in Madīnah is forbidden. However, there is no retribution for it. It is permissible to cut or remove its grass for use as fodder and for cultivating land and other such uses. Its Haram is between 'Ayr and Thawr.

548 Reported by al-Bukhārī (2/115-116), (3/18, 19 and 79), (4/127) and Muslim (4/109) from the narration of Ibn 'Abbās.

549 A portion of the hadīth mentioned earlier.

"Hunting game in Madīnah is forbidden. However, there is no retribution for it. It is permissible to cut or remove its grass for use as fodder and for cultivating land and other such uses. Its Haram is between 'Ayr and Thawr": Madīnah al-Nabawiyyah has a sacred sanctuary for the Prophet ﷺ made it a Haram as Ibrāhīm ﷺ made Makkah a Haram. He made Madīnah as a sacred sanctuary to the north and south between mount 'Ayr and mount Thawr. Mount Thawr is a small mountain which is situated behind Uhud. He made it a Haram to the east and west between its two lava fields. This is the boundary of the Haram sanctuary.

Rulings that are associated with the Haram in Madīnah:

First: It is forbidden to kill game within Madīnah but there is no retribution for it. However, it is a transgression and a sin to do so.

Second: It is permissible to cut or remove its green grass for use as fodder and to cut or remove its trees to make agricultural tools.

باب دخـــول مكـــة
CHAPTER: ENTERING MAKKAH

متن يســـنٌّ من أَعْلاها، والمسجد من باب بني شَيْبَةَ، فإذا رأى البيتَ رَفَعَ يديْه وقال ما وَرَد

It is Sunnah to enter it from the highest point and the *masjid* from the door of Banī Shaybah. As soon as the House is visible, one raises his hands and recites the supplications that have been authentically reported.

"Chapter: Entering Makkah": This chapter addresses the etiquettes that are legislated when entering Makkah for those who arrive there after a journey. When one desires to enter Makkah, there are a few recommended etiquettes:

Firstly: "It is Sunnah to enter it from the highest point": That is, from the direction of al-Abtah as the Prophet ﷺ entered Makkah from its highest point.[550]

Secondly: "And the *masjid* from the door of Banī Shaybah": When one has arrived at al-Masjid al-Haram, it is *mustahabb* that he enters it from the easterly door of Banī Shaybah which is opposite the *multazam* (the door of the Ka'bah). This is so that he enters facing the front of the Ka'bah. However, it is permissible to enter al-Masjid al-Haram from any of its doors.

Thirdly: "As soon as the House is visible, one raises his hands and recites the supplications that have been authentically reported": Similar to entering any other *masjid*, one should place his right foot first and say: *"Bismillah wa salātu wa salām 'alā rasūlillah, allahumma aghfir lī dhnūbī, wa aftah lī abwāba rahmatika."* (In the name of Allah, blessings and peace be upon the Messenger of

550 Reported by al-Bukhārī (2/178) and Muslim (4/62) from the narration of 'Aishah.

Allah, O Allah, forgive me my sins and open for me the door of Your mercy.)

Or he may say: "*A'awdhu bi'llāhi al-a'zīm wa biwajihi al-karīm, wa bisultāni-hi al-qadīm min al-shaytāni al-rajīm, allahumma aghfir lī dhunūbī wa aftah lī abwāba rahmatika.*" (I seek refuge in Allah, the Magnificent, and in His noble face, and in his eternal domain, from the accursed Devil. O Allah, forgive me my sins and open for me the door of Your mercy.)

Fourthly: He begins by making *tawāf* as it serves as a greeting for al-Masjid al-Haram for those who just arrived at Makkah.

متن

ثم يطوفُ مضطبِعاً يبتدئُ المعتمرُ بطوافِ العُمْرةِ والقارنُ والمفردُ للقدوم، فيحاذي الحجرَ الأسودَ بِكُلِّه، ويستلمُه ويقبِّله، فإن شَقَّ قَبَّلَ يَدَهُ، فإن شَقَّ اللَّمْسُ أشار إليه، ويقول ما ورد ويجعلُ البيتَ عن يساره

He performs the *tawāf* whilst doing *idtiba'*. Those performing 'Umrah start by performing the *tawāf al-'umrah* while those performing the *qirān* and *ifrād* forms of Hajj start by performing *tawāf al-qudūm*. He must align himself well with *al-hajar al-aswad* and then touch it and kiss it. If this is difficult, he may touch it and then kiss his hand. If touching it is difficult, he may give a sign in its direction. He then says at this juncture what has been authentically reported. The House must be on his left side throughout.

This is an explanation of the rulings related to *tawāf* of the Ka'bah.

"He performs the *tawāf* whilst doing *idtiba*": As soon as he reaches the *matāf* (circumference around the Ka'bah where *tawāf* is performed), it is *mustahabb* that he adopt the *idtiba'* i.e. to wrap the middle of the upper garment (*ridā*) of *ihrām* under his right armpit and wrap its end over the left shoulder. Now, his left shoulder will be covered while his right shoulder will be exposed. This is *idtiba'* which one adopts before beginning to perform *tawāf*. He may cover both shoulders once he has completed the *tawāf*. The practice of adopting *idtiba'* as soon as one assumes *ihrām* at the *mīqāt*, which is done by many people nowadays, is contradictory to Sunnah.

"Those performing 'Umrah start by performing the *tawāf al-'umrah* while those performing the *qirān* and *ifrād* forms of Hajj start by performing *tawāf*

al-qudūm": Those performing *al-tamattu'* should have an intention of 'Umrah when performing *tawāf*. Those who have embarked on combining Hajj and 'Umrah (*qirān*) or just Hajj alone (*ifrād*) should have an intention of performing *tawāf al-qudūm* (the arrival *tawāf*). This is the Sunnah.

"He must align himself well with *al-hajar al-aswad* and then touch it and kiss it. If this is difficult, he may touch it and then kiss his hand. If touching it is difficult, he may give a sign in its direction. He then says at this juncture what has been authentically reported. The House must be on his left side throughout": He starts the circling of the Ka'bah (*tawāf*) from *al-hajar al-aswad* (the black stone). If he commences the *tawāf* after the black stone, then that particular cycle is nullified as the *tawāf* was incomplete. Therefore, he must start at the black stone and this is a condition for the validity of *tawāf*. If he is able to reach the black stone, he should touch it with his right hand and follow this up by kissing it. If it is difficult for him to kiss the black stone, he can kiss his right hand which touched the black stone. If it is difficult for him to even touch the black stone with his hand, it is permissible to touch it with the aid of a staff. This is provided that he does not harm anyone in the process of doing so. He may then kiss the part of the staff that made contact with the black stone. If he is not able to reach the black stone to touch or kiss it, he may give a sign in its direction while being aligned with it. One should not force his way through people expressly to kiss the black stone as it will cause much harm to others and he can become weakened due to the effort. This action of his will cause him to jostle with women as he barges his way through them. Hence, he may give a sign in the direction of the black stone even if he is at the edge of the *matāf*. However, he must align himself with the black stone. Once aligned, he raises his right hand and says, "*Allahu akbar*" (Allah is the Greatest) and starts circling the Ka'bah for *tawāf*.

متن **ويطوفُ سبعاً يرمل الأفقي في هذا الطواف ثلاثاً، ثم يمشي أربعاً**

He makes seven rounds: At arrival, one walks briskly the first three rounds and walks at a normal pace the other four.

"He makes seven rounds: At arrival, one walks briskly the first three rounds and walks at a normal pace the other four": He circles the Ka'bah seven times. This is a condition to validate *tawāf*. If a person misses one round or even a partial round, his *tawāf* is nullified. One full circle is from the black stone until

the black stone. He must perform it in an anti-clockwise direction such that the Ka'bah is always on his left side. If he did it in a reverse direction, *tawāf* performed as a pilgrimage rite is nullified. It is *mustahabb* for those who came on a journey to Makkah and have just arrived at the House to walk briskly (*al-raml*) the first three rounds by quickening the pace. However, he should walk normally the distance between the Yemeni corner and the black stone. After the first three rounds, he walks at a normal pace to complete the seven units of *tawāf*. If one cannot walk briskly due to over-crowding in the *matāf*, he may walk at normal pace as *al-raml* is not *wājib*. He is pardoned for not performing this Sunnah due to the over-crowding.

متن

ويستلم الحجرَ والرُّكْنَ اليمانيِ كلَّ مرةٍ

He touches the black stone and the Yemeni corner in each round.

"He touches the black stone and the Yemeni corner in each round": The Yemeni corner should only be touched. It should not be kissed. If one is unable to touch it, then he should not make a sign in its direction. Therefore, he who performs *tawāf* may touch the Yemeni corner. He should neither kiss it nor make a sign in its direction. On the contrary, one may touch the black stone and kiss it. If he is unable to do so, he should make a sign in its direction. The other corners of the Ka'bah should neither be kissed nor touched. He should not make a sign in their direction either.

متن

ويستلم الحجرَ والرُّكْنَ اليمانيِ كلَّ مرةٍ، ومن ترك شيئاً من الطواف أو لم ينوه أو نكَّسَهُ، أو طاف على الشَّاذَرْوان أو جَدار الحِجْرِ أو عُرْياناً أو نجساً لم يصِحَّ

Whoever leaves off any part from the *tawāf*, did not make an intention to perform it or the pilgrimage itself, performs it around the Shādharwān or the Hijr wall, and performs it naked or whilst he was stained with filth, the *tawāf* is nullified.

"Whoever leaves off any part from the *tawāf*, did not make an intention to perform it or the pilgrimage itself, performs it around the Shādharwān or the Hijr wall, and performs it naked or whilst he was stained with filth, the *tawāf* is nullified": The following conditions (*shurūt*) validate *tawāf*:

<u>Firstly</u>: Completion of seven rounds around the Ka'bah.

Secondly: Maintaining cleanliness and *tahārah*. If he is in an impure state or his body or clothes are stained with *najāsah*, his *tawāf* is invalid.

Thirdly: He must make an intention to perform *tawāf* as it is an act of worship. Acts of worship are invalid without an intention. The Prophet ﷺ said, "Verily all actions are by their intention and verily for each person is what he intended."[551] The place of the intention is the heart. So one should not articulate his intentions and doing so is an innovation in Islam. For example, you should not say, "O Allah, I make an intention to perform *tawāf* of this House seven rounds." Allah knows what is in your heart and so you are not required to inform Him what is in your heart. Furthermore, neither the Messenger of Allah ﷺ nor his Companions articulated the intention. Therefore doing so is an innovation in Islam.

Fourthly: *Tawāf* must be performed inside Masjid al-Haram. If a person performs *tawāf* from outside the *masjid*; from the place where he did *sa'ī* for example, his *tawāf* is invalid.

Fifthly: *Tawāf* must be performed around the Ka'bah. If a person makes *tawāf* around the walls of al-Hijr or he circles on the inside of al-Hijr, then his *tawāf* is invalid. This is because al- Hijr is part of the Ka'bah. Since he did not circumambulate the Ka'bah, the *tawāf* is incomplete. Similarly, if he makes *tawāf* around Shādharwān or the stone that was laid as a foundation for the Ka'bah, his *tawāf* is nullified as it cannot be considered as a performance of *tawāf* of the Ka'bah.

Sixthly: Covering of the *awrah*. If a person performs *tawāf* whilst being naked, his *tawāf* is nullified. This is because *tawāf* is like the prayer. Circling the Ka'bah whilst naked was the practice of the people from the days of ignorance. The Prophet ﷺ forbade this saying, "Do not perform *tawāf* around the House while naked."[552]

Seventhly: Seven rounds should be performed completely. Each round starts at the black stone and ends at the black stone.

551 Reported by al-Bukhārī (1/2) and Muslim (6/48) from the narration of 'Umar.

552 Reported by al-Bukhārī (1/103), (2/188), (4/124), (5/212) and (6/81) and Muslim (4/106-107) from the narration of Abu Hurairah.

متن

ثم يصلِّي ركعتين خلف المقام

Then he prays two *rakāt* behind al-Maqām.

"Then he prays two *rakāt* behind al-Maqām": After completing *tawāf*, it is *mustahabb* for him to perform the prayer for *tawāf* which consists of two *rakāt*. It is best to do so at Maqāmi Ibrāhīm; that is he stands such that the Maqām is between him and the Ka'bah. Allah says: **{And take, [O believers], from the standing place of Ibrāhīm a place of prayer.}**[553] Maqāmi Ibrāhīm is actually the stone on which Ibrāhīm ﷺ stood when building the Ka'bah. He used to climb up and down the stone. Allah made this stone a symbol from amongst His symbols and ordained prayer at this spot as worship to Him. If a person has difficulty in performing the prayer at the Maqām, he may do so at any other place within the Haram.

553 Al-Baqarah: 125

فصـل
SECTION

متن ثم يستلمُ الحَجَرَ ويَخْرجُ إلى الصَّفَا من بابه فيرقاه حتى يـرى البيتَ ويكبر ثلاثاً، ويقول ما ورد، ثم ينزل ماشيـاً إلى العَلَم الأولِ، ثم يَسْعى شديداً إلى الآخِرِ، ثم يمشي ويَرْقَى المَرْوَةَ، ويقول ما قـاله عـلى الصَّفَا، ثم ينزل فيمشي في موضع مَشْيِهِ، ويَسْعَى في موضع سَعْيِهِ، إلى الصَّفَا، يفعل ذلك سبعاً ذهابه سَعْيَةً ورجوعه سعيه، فإن بدأ بالمروة سَقَط الشوطُ الأول

Then he touches the black stone and leaves for Safā via its door. He ascends it until he is able to see the Ka'bah and says the *takbīr* thrice. He then says that which is prescribed and descends walking to the first marker. He quickens his pace to the next marker. He walks at a normal pace the rest of the way until he ascends Marwah. He repeats what he said at Safā and then descends. He walks and runs as described above until he reaches Safā. He does this seven times. Going to and fro is counted as two units. If a person starts performing *sa'ī* from Marwah, then the first trip (between the two mounts) is nullified.

"Then he touches the black stone and leaves for Safā via its door": As soon as he completes the two *rakāt* prayer for *tawāf*, it is *mustahabb* that he returns to the black stone and touches it if he plans to perform *sa'ī* thereafter; just as he had touched the black stone before beginning the *tawāf*. He then proceeds to Safā to perform *sa'ī* between Safā and Marwah. He leaves through the door that leads to Safā as was the practice of the Prophet ﷺ while reciting: **{Indeed, al-Safā and al-Marwah are among the symbols of Allah. So whoever makes Hajj to the House or performs 'Umrah, there is no blame upon him**

for walking between them.}[554]

"He ascends it until he is able to see the Ka'bah and says the *takbīr* thrice. He then says that which is prescribed": He ascends Safā. Climbing both Safā and Marwah is Sunnah. It is *wājib* to cover the distance between the two mounts, even if one chooses not to ascend them. After ascending Safā, he faces the Ka'bah and invokes Allah and recites supplications.

"And descends walking to the first marker. He quickens his pace to the next marker. He walks at a normal pace the rest of the way until he ascends Marwah. He repeats what he said at Safā and then descends. He walks and runs as described above until he reaches Safā. He does this seven times. Going to and fro is counted as two units. If a person starts performing *sa'ī* from Marwah, then the first trip (between the two mounts) is nullified": He walks down Marwah and quickens his pace between the two markers. The markers are green-coloured pillars. There is one located near Safā which signals those coming from Safā to speed up their pace and another pillar near Marwah which signals those coming from Marwah to do so. The distance between these two pillars is a valley which used to have a greater depression. The Prophet ﷺ would run at a fast pace as soon as his feet touched the valley until he reached the other side. Running or jogging between these two markers is a Sunnah among the Sunnah acts of *sa'ī*. This is prescribed for men who are fit. As for men who are weak and women, it is not recommended that they run between the two points as they will face much hardship accomplishing it.

He then walks to and fro the rest of the way after crossing both the marks. He proceeds to ascend Marwah and says what he said while ascending Safā i.e. he says *takbīr* thrice, faces the Ka'bah and invokes Allah and supplicates to Him. One cycle of the seven is complete when he does the above actions. He then descends and walks towards Safā, which marks the beginning of the second trip.

He runs the distance between the two green pillars, which is at the place of the valley, until he goes past both of them. He walks the remaining distance until he reaches Safā. He ascends it and does what he did on the first trip. With this, the second trip is completed. *Sa'ī* should begin at Safā and end at Marwah after the seventh cycle. Going back and forth is considered as two cycles.

554 Al-Baqarah: 158

متن وتُسَنُّ فيه الطهارةُ والسِّتارة والموالاة

It is Sunnah to maintain: cleanliness and purity, covering of the *awrah* and continuity.

The author says: "It is Sunnah to maintain: cleanliness and purity, covering of the *awrah* and continuity": That is, whilst performing *sa'ī*. Hence, the following are the *sunan* of *sa'ī* in detail:

The first Sunnah: *Tahārah* or being in the state of cleanliness and free of both physical and spiritual impurities. He who performs *sa'ī* should wear clean clothes. He must be free from both minor and major impurity as *sa'ī* is an act of worship. Acts of worship become more wholesome and attain greater beauty when coupled with *tahārah*. However, it is not *wājib* to be in a state of *tahārah* when performing *sa'ī*. It is valid even if he performed it in a state of impurity but it is deemed less rewarding.

The second Sunnah: To cover the *awrah* during *sa'ī* is *mustahabb*. If one's *awrah* is exposed whilst performing *sa'ī*, it is still in essence valid. However, he is penalised for exposing his *awrah* if he had the ability to cover it. This is a sin not only during *sa'ī* but in all situations.

The third Sunnah: "*Al-muwālāt*" refers to the continuity of the cycles performed during *sa'ī*. That is, each cycle is followed by the next and this is done continuously until one completes all seven cycles, going back and forth between the mounts of Safā and Marwah. There should not be long disruptions in between the cycles. However, short breaks between the cycles do not cause an issue. If the prayer is called, one should perform the prayer and then re-commence his *sa'ī*. Breaks that last for a long time are disliked as continuity in moving between Safā and Marwah is a requirement while performing *sa'ī*. One should set off for Safā as soon as he reaches Marwah without delay. He should carry on doing one cycle after another continuously until all seven cycles are completed.

متن ثم إن كان مُتمتعاً لا هَدْيَ معه قَصَّرَ من شعره وتَحلَّل، وإلا حَلَّ إذا حج

If he is performing *al-tamattu'*, whereby he does not have a sacrificial animal with him, he proceeds to cut his hair and make *tahalul*. If not, he makes *tahalul* after Hajj.

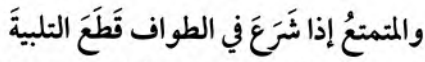
"If he is performing *al-tamattu'*, whereby he does not have a sacrificial animal with him, he proceeds to cut his hair and make *tahalul*. If not, he makes *tahalul* after Hajj": If he is performing the *tamattu'* form of Hajj he may proceed to leave the state of *ihrām* by making *tahalul* after completing his *sa'ī*. The distinct feature of the one performing *al-tamattu'* is that while he combines 'Umrah with Hajj, he does not bring with him a sacrificial animal that he purchased outside the Haram sanctuary. He cuts his hair and makes *tahalul* of his 'Umrah as he has completed its rites of *tawāf*, *sa'ī* and cutting of his hair.

In fact, those who planned to perform *al-ifrād* (only Hajj) or *al-qirān* (combining 'Umrah and Hajj) but do not have a sacrificial animal with them, they are recommended to invalidate their intention to perform Hajj and convert it to that of *al-tamattu'* which begins with them performing 'Umrah initially. They can then make *tahalul* after completing the 'Umrah rites. This conversion is recommended as *al-tamattu'* is the best type of Hajj one can perform. The Prophet ﷺ said, "Had I known beforehand about my affair what I have come to know later, I would have made *tahalul* with you all. But I have brought my sacrificial animal."[555]

Furthermore, the Prophet ﷺ ordered his Companions who did not bring along a sacrificial animal to make *tahalul* after 'Umrah and convert their intentions to perform *al-qirān* and *al-ifrād* to that of al-*tamattu'* as it was the best of Hajj rites.

If he did bring along a sacrificial animal with him that was procured outside of the Haram, then he should not leave the state of *ihrām* even after completing the *tawāf* and the *sa'ī*. He must remain in *ihrām* until he completes the rites of Hajj on the day of 'Eid, throw pebbles at the Jamrah, slaughter the sacrificial animal and then shave the hair. After all these rites are done, he makes *tahalul* as Allah says: **{And do not shave your heads until the sacrificial animal reaches its place of slaughter.}**[556]

متن



Those performing *al-tamattu'* should stop chanting the *talbiyah* once they

555 Reported by al-Bukhārī (2/195-196), (3/4-5) and Muslim (4/36-37) from the narration of Jābir ibn 'Abdullah.

556 Al-Baqarah: 196

begin performing *tawāf*.

"Those performing *al-tamattu'* should stop chanting the *talbiyah* once they begin performing *tawāf*": It was mentioned earlier that *talbiyah* is a Sunnah act while one is in the state of *ihrām*. It is a mark of a *muhrim*. He is encouraged to chant it often in a loud voice. He starts saying the *talbiyyah* from when he enters the *ihrām* until he starts the *tawāf* of 'Umrah if he is performing *tamattu'*. He stops chanting it as soon as he begins his *tawāf* as it signals a completion of the 'Umrah rites and his leaving his state of *ihrām*. Those performing *al-ifrād* or *al-qirān* should continue chanting the *talbiyah* until they throw pebbles at *Jamrah al-Aqabah* on the day of 'Eid.

باب صفة الحج والعمرة
CHAPTER: DESCRIPTION OF HAJJ AND 'UMRAH

"Chapter: Description of Hajj and 'Umrah": This chapter describes the way Hajj and 'Umrah are performed as this information is very essential. Hajj and 'Umrah should be performed the way it was legislated by Allah and His Messenger as he ﷺ said, "Take from me your rites of pilgrimage."[557] That is, learn from me the way the rites of pilgrimage are done and do it likewise. The Prophet ﷺ is an example and role-model for the Ummah. Allah says: **{There has certainly been for you in the messenger of Allah an excellent pattern.}**[558]

The Prophet ﷺ said, "Take from me your rites of pilgrimage." Allah has made the Prophet an explainer of the revelation He sent down to the people. He is a role-model and an exemplar ﷺ.

Muslims must follow the way he went about doing the rites of Hajj and 'Umrah. What he made *wājib* is *wājib* upon them as well. What was considered as *mustahabb* shall be considered likewise by the masses. We shall study this in-depth shortly.

متن

يسن للمُحِلِّين بمكة الإحرامُ بالحج يومَ التَّرْويةِ قبل الزوالِ منها، ويجزئُ من بقيةِ الحرم

Those who are not in *ihrām* at Makkah may enter into *ihrām* to perform Hajj before the sun sets from its zenith on the day of Tarwiyyah. It is per-

557 Reported by al-Bayhaqī with this wording (5/125) from the narration of Jābir. It was also reported by Muslim (4/79).

558 Al-Ahzāb: 21

missible for him to enter into *ihrām* from anywhere within the Haram.

"Those who are not in *ihrām* at Makkah may enter into *ihrām* to perform Hajj before the sun sets from its zenith on the day of Tarwiyyah": It is *mustahabb* for a non-*muhrim* in Makkah—who made *tahalul* after completing his 'Umrah and is waiting for Hajj season to begin—to enter into *ihrām* with the intention to perform Hajj on the day of Tarwiyyah. This day corresponds with the eighth of Dhul Hijjah.

It is called the day of Tarwiyyah because the word refers to the drawing of water and the pilgrims draw water to fill their supplies on this day in preparation for Hajj. They enter into *ihrām* in the morning before *zawāl* (after the sun sets from its zenith), that is, before the time for the *zuhr* prayer. The Prophet ﷺ ordered his Companions who were non-*muhrims* to enter into *ihrām* to perform Hajj in the morning of the eight of Dhul Hijjah. This is the Sunnah.

If one delays entering into *ihrām* until later in the day or after *zawāl* or even after the day of Tarwiyyah, it is permissible.

It is also a Sunnah to enter into *ihrām* at the very spot where they had camped at Makkah. Those who made *tahalul* after performing 'Umrah would have needed to camp or take up residence at a place whilst waiting for the Hajj season to begin. On the day of Tarwiyyah, they should enter into *ihrām* from that very place and then proceed to Mina. They should not go to Masjid al-Haram or under "*al-Mīzāb*" (roof gutter)—as some people call it—for the purpose of entering into *ihrām*. In fact, they should enter into *ihrām* from their houses or place of residence where they had stayed temporarily. This is what the Prophet ﷺ commanded the Companions, who made Hajj with him, to do. These Companions were non-*muhrims* and so he ﷺ commanded them to enter into *ihrām* from al-Abtah (the place where they had camped). He ﷺ had not ordered the Companions to enter into *ihrām* near the Ka'bah at Masjid al-Haram. Furthermore, he did not order them to perform *tawāf* of the House after entering into *ihrām*. This is not legislated as a rite of Hajj. The pilgrims should enter into *ihrām* at the place they had stayed in Makkah and then proceed to Mina.

"It is permissible for him to enter into *ihrām* from anywhere within the Haram": It is permissible for a pilgrim to enter into *ihrām* from a place other than where he had stayed in Makkah. This is provided that it is within the Haram

sanctuary. However, to do so from the place of his residence is best.

متن

ويبيت بمِنًى، فإذا طلعتْ الشمسُ سار إلى عَرَفة

He spends the night at Mina. At sunrise, he moves onward to 'Arafah.

"He spends the night at Mina": Once they enter into *ihrām* to perform Hajj before *zawāl* on the eighth of Dhul Hijjah, they proceed to Mina and stay there the whole day and the night of the ninth of Dhul Hijjah. They perform the obligatory prayers by shortening them without combining (*jamm'*) as was done by the Prophet ﷺ. Going to Mina on the eighth of Dhul Hijjah and staying the night there are two of the Sunnah acts amongst the *sunan* of Hajj. If a person goes to 'Arafah without going to Mina, his Hajj is valid though he has missed out a Sunnah act. Similarly, if a pilgrim enters into *ihrām* on the day of 'Arafah instead of the day of Tarwiyyah, it is permissible. However, he has missed out on a Sunnah act.

"At sunrise, he moves onward to 'Arafah": At sunrise of the ninth day, the pilgrims move onward to 'Arafah, regardless if they were at Mina (which is according to the Sunnah) or if they were at another place besides Mina. They must all proceed to 'Arafah which is the place of *wuqūf* (standing). The Prophet ﷺ went from Mina to 'Arafah after sunrise on the ninth of Dhul Hijjah. This is the best way to do the rite.

'Arafah, as mentioned, is the place of *wuqūf*. Standing at another place besides 'Arafah is not permissible. Some people used to stand at Muzdalifa during the days of ignorance and avoided going to 'Arafah. They claimed that they were the residents of the Haram sanctuary and so would not go beyond its periphery.

By doing so, they changed the rites of Hajj. The Prophet ﷺ came to rectify the rites of Hajj to how it was legislated to Ibrāhīm ﷺ. He used to go to 'Arafah and did not stay at Muzdalifa. The evidence for this is in the ayah: **{Then depart from the place from where [all] the people depart.}**[559] This is referring to 'Arafah from whence Ibrāhīm ﷺ proceeded onwards.

559 Al-Baqarah: 199

وكلُّها موقفٌ إلا بطنَ عُرَنَة

متن

All of it is a place for standing except the bottom of the valley of 'Uranah.

"All of it is a place for standing": The entire area of 'Arafah, including its borders is a place of *wuqūf*. Nowadays signboards demarcate the area from all directions so that the pilgrims will get to perform *wuqūf* within the boundaries of 'Arafah and not outside of it.

There are no locations in 'Arafah more meritorious or more significant in terms of performing *wuqūf*. The Prophet ﷺ said, "I made *wuqūf* here and the whole of 'Arafah is a place for *wuqūf*."[560]

It is permissible to make *wuqūf* in the entire area of 'Arafah and in doing so the pilgrim fulfils the greatest pillar of Hajj. A person should not exert great effort towards standing at a particular place in 'Arafah. He should not say, "I will not make *wuqūf* except at the place where the Prophet ﷺ stood," which was at a rock formation, and he positioned himself facing Mount Rahmah while standing in the direction of the *qiblah*. Pilgrims are not required to go to this location. They can camp at any place within 'Arafah as the Prophet ﷺ said, "I made *wuqūf* here and the whole of 'Arafah is a place for *wuqūf*."

It is not a condition that the pilgrim must make *wuqūf* from where the Mount Rahmah can be seen, or go right up to it or ascend it to make *wuqūf*. There is no evidence for all these actions and these are not acts of worship. In fact, these acts constitute an effort not ordained by Allah.

It becomes an innovation in Islam if he believes that going to Mount Rahmah, seeing or ascending it is legislated in the *dīn*. It will be deemed a heresy for which no commandment was revealed by Allah. In fact, some people believe that the mount is a source of blessing or that there is a blessing in performing prayers therein in or while facing it—as the ignorant believe—or that touching its boulders or the pillars atop the mount is a blessed act. All these acts lead to *shirk* (associating partners with Allah).

If one believes that the mount or the pillars atop of it benefit or harm him,

560 Reported by Muslim (4/43) from the long hadīth narrated by Jābir that describes the Hajj of the Prophet ﷺ.

then he has committed major *shirk* which nullifies his Hajj. We seek Allah's protection from it.

"Except the bottom of the valley of 'Uranah": This refers to the bottom of the valley, where a *masjid* is located. This is the place where the Prophet ﷺ performed his prayer. This valley is outside the boundaries of 'Arafah. He ﷺ performed *zuhr* and *'asr* prayers at this place by combining them at *zuhr* time with just one *adhān* but two *iqāmahs* called. Afterwards, he entered 'Arafah and did not stay put at this valley as it was not part of 'Arafah.

Hence he ﷺ said, "Depart from the bottom of 'Uranah."[561] The rear end of the *masjid* located at this valley is in fact within the boundary of 'Arafah as it stretches beyond the valley. The front of the *masjid* though is in 'Uranah. It is not permissible to make *wuqūf* in this area. There are visible signboards that clearly demarcate the boundary of 'Arafah and the place wherein *wuqūf* is permitted and where it is not. Praise be to Allah.

In fact, there are signboards inside the *masjid* that inform pilgrims which part of it is within 'Arafah and which part is beyond 'Arafah. The Prophet ﷺ as is well-known, reached Namirah in the early part of the afternoon and then departed from it. He gave his sermon and performed prayer at the valley of 'Uranah and then left it to enter 'Arafah where he made *wuqūf*.

متن

ويسنُ أن يجمع بها الظهرَ والعصرَ، ويقفُ راكباً عند الصَّخراتِ وجبلِ الرحمة، ويُكثر من الدعاء بما ورد

It is Sunnah to combine the *zuhr* and *'asr* prayers and to make *wuqūf* while atop a riding animal at the rock formations and Mount Rahmah. He then makes excessive invocations that are prescribed.

"It is Sunnah to combine the *zuhr* and *'asr* prayers": I.e. at the time of the *zuhr* prayer (*jamm' taqdīm*). He does it by calling one *adhān* and two *iqāmahs*. The prayers are combined so that it allows him ample time for *wuqūf* and invocations as was the manner in which the Prophet ﷺ did.[562]

561 Reported by Ahmad (4/82), Ibn Hibbān (3854) and al-Bayhaqī (5/295) from the narration of Jubayr ibn Mut'im.

562 Reported by Muslim (3/41) as narrated by Jābir in the hadīth describing the Prophet's Hajj.

"And to make *wuqūf* while atop a riding animal at the rock formations and Mount Rahmah": It is Sunnah to make *wuqūf* atop one's riding animal or while seated in one's vehicle, though it is permissible to sit or sleep at 'Arafah. Sitting on one's riding animal or standing whilst performing invocation during *wuqūf* is better. The Prophet ﷺ used to make *wuqūf* while sitting atop his riding animal and invoking his Lord.[563]

The Messenger of Allah ﷺ made *wuqūf* at the rock formations and at Mount Rahmah. However, he did not specify it as such. The pilgrims need not make *wuqūf* there, especially if it requires them to go through great hardship to get there. Instead, they should make *wuqūf* at any place in 'Arafah which is convenient for them.

It is not legislated in Islam that they endure the summer heat, the sun-baked ground and thirst so as to perform *wuqūf* at these rock formations and Mount Rahmah. It is not prescribed in the *dīn* as it involves excessive burden upon one's self. However, if they can get to it with ease, then it is better for the pilgrims to make *wuqūf* at the rock formations and Mount Rahmah where the Prophet ﷺ made *wuqūf*. The condition is that the pilgrims should not face any hardship or difficulty in getting there.

"He then makes excessive invocations that are prescribed": One busies himself with invocations whilst in *wuqūf* at 'Arafah as it is a day of invocation. The Prophet said, "The best of invocations are the invocations at 'Arafah and the best invocation that I and the prophets before me have invoked is, "*Lā ilaha illallah, wahdahu lā shirīka lahu, lahu al-mulk, wa lahu al-hamd, wa huwa 'alā kulli shayin qadīr.*" (There is none worthy of worship but Allah alone, Who has no partner, His is the dominion and to Him belongs all praise and He is able to all things.)[564]

He repeats this as often as possible and supplicates to Allah with supplications that come easy for him and which are authentically based on the Qur'ān and the Sunnah. He should not engage in any supplication that is an innovation. He should not make *du'ā* through an intermediary or through the Prophet ﷺ or in any other innovated manner. He should only invoke Allah with supplications that have been prescribed in the *dīn* and that are originally from the

563 Reported by Ahmad (5/209), al-Nasā'ī (5/254) from the narration of Usāmah ibn Zayd.

564 Reported by Ahmad (2/210) and al-Tirmidhī (3585).

Qur'ān and Sunnah.

These supplications must be authentic with proofs from the Qur'ān and Sunnah, or one should pray what is easy for him that falls in line with the Qur'ān and Sunnah. One should not supplicate with weak and adulterated invocations that lead to *shirk*. The pilgrims should also not utter invocations that are innovations in Islam and that which have not been prescribed by Allah. Neither should they engage in congregational invocations. Instead, each of them should invoke Allah individually.

متن ومن وقف ولو لحظةً من فجرِ يومِ عرفةَ إلى فجرِ النَّحْرِ وهو أهلٌ لـه صحَّ حجُّه وإلا فلا

Even if a person makes *wuqūf* momentarily anytime between dawn on the day of 'Arafah until dawn on the day of sacrifice and he is in the state of *ihrām* to perform Hajj, then his Hajj is valid. Otherwise, it becomes invalid.

"Even if a person makes *wuqūf* momentarily anytime between dawn on the day of 'Arafah until dawn on the day of sacrifice": The author now details the timing for *wuqūf* after having elaborated on the place where it should be performed. The view of Imām Ahmad is that the timing for *wuqūf* commences at dawn on the day of 'Arafah.[565] The majority of the scholars—including a narration from Imām Ahmad—are of the opinion that it commences after the sun's zenith (*zawāl al-shams*) on the day of 'Arafah. This is the correct opinion.[566] However, Imām Ahmad gives evidence for his view based on the *hadīth* narrated by 'Urwah ibn al-Mudhris al-Tā'ī, who mentioned to the Prophet ﷺ that he had made *wuqūf* at every mountain that he passed by as he did not know 'Arafah well. He added that he had gone through great difficulties and exhausted his animal in doing so. The Prophet ﷺ replied to him saying, "He who joins us for prayer..." He was at Muzdalifa when he said this and was referring to the *fajr* prayer, "... Stays with us until we depart and he had been to 'Arafah the night or day before, then his Hajj is valid and he has fulfilled his duties."[567]

His ﷺ saying, "And he had been to 'Arafah the night or day" includes dawn on the day of 'Arafah up to dawn on the day of sacrifice (*yawm al-nahr*). As the

565 See *al-Kāfī* (1/244).

566 The view of Imām Mālik and Imām Shāfi'ī. See *al-Mughnī* (5/274).

567 Reported by Ahmad (4/15), Abu Dawūd (1950), al-Tirmidhī (891) and al-Nasā'ī (5/263) from the narration of Urwah ibn Mudris.

day of 'Arafah spans a day and a night, so it must include the day of the ninth and the night of the tenth of Dhul Hijjah.

The day of the ninth begins at dawn (*fajr*) and ends at sunset (*maghrib*) while the night of the tenth begins at sunset (*maghrib*) and ends at dawn (*fajr*). This period is the timing for *wuqūf* based on the hadīth, "He had been to 'Arafah the day or night before." Day refers to the whole day and this is the crux of Imām Ahmad's view.

However, the majority of scholars say, "The Messenger of Allah ﷺ did not make *wuqūf* except after the sun's zenith. He ﷺ had in fact waited until the sun had set from its zenith and then delivered the sermon, after which he prayed in 'Uranah and then entered 'Arafah. He ﷺ said, "Take from me your rites of pilgrimage." This is proof that *wuqūf* commences after the sun's zenith on the day of 'Arafah, not at dawn. This view is more correct as it is based on the Prophet's performance itself and his statement, "Take from me your rites of pilgrimage." *Wuqūf* unanimously ends (i.e. with *ijmā'*) at dawn on the day of sacrifice. What is disputed is the beginning of *wuqūf*: whether it begins at dawn or at noon on the day of 'Arafah.

"And he is in the state of *ihrām* to perform Hajj": I.e. he is a *muhrim* intending to perform Hajj. Were he to stay in 'Arafah as a non-*muhrim* and then leaves only to return to it after the *wuqūf* timings having entered into *ihrām*, his standing at 'Arafah cannot be considered as the rite of *wuqūf*.

متن ومن وقف نهاراً ودَفَعَ قبل الغروب، ولم يَعُدْ قبله فعليه دمٌ، ومن وقف ليلا فقط فلا

Whoever makes *wuqūf* during the day, departs before sunset and does not return before sunset, must compensate with *dumm*. Whoever makes *wuqūf* only during the night need not pay the compensation.

"Whoever makes *wuqūf* during the day, departs before sunset and does not return before sunset, must compensate with *dumm*": We have discussed that the more authentic timing for *wuqūf* at 'Arafah is from when the sun sets from its zenith. It continues until dawn on the day of sacrifice. However, he who makes *wuqūf* in the day must continue to do so until sunset as the Prophet ﷺ made *wuqūf* until the sun had set. He said, "Take from me your rites of pilgrimage."

[568] Whoever leaves 'Arafah during the day but returns to it before the sun sets need not compensate for his action. However, if he does not return, then he must pay the *fidyah* for this by sacrificing a sheep in Makkah or the Haram. He must distribute it to the poor people of the Haram. He is obliged to do this for he had failed to fulfil a *wājib* act of Hajj. He who fails to carry out a *wājib* act from the *wājibāt* (plural of *wājib*) of Hajj is obliged to pay the *dumm* penalty.

"Whoever makes *wuqūf* only during the night need not pay the compensation": He who makes *wuqūf* on the night of the tenth (who arrives at 'Arafah after sunset), may just stay there momentarily and then depart. He is not required to expiate for this action.

متن

ثم يَدْفَعُ بعد الغروبِ إلى مُزْدَلِفَةَ بِسَكِينَةٍ

He leaves for Muzdalifah after sunset in a tranquil manner.

"He leaves for Muzdalifah after sunset in a tranquil manner": After sunset, the pilgrims proceed towards Muzdalifah. It is called such as the people *yazdalifūna* (i.e. proceed) towards it. Hence it is appropriately named. It is also called "*Jam'an*" as the people congregate there. It has a third name which is "*al-Mash'ar al-Haram*". It was given this name because there is a mountain there on which the Prophet ﷺ stood. These are the names of Muzdalifah. Once it is apparent that the sun has set, the pilgrims leave 'Arafah and head towards Muzdalifah in a tranquil and peaceful manner. Such a mannerism is expected as it an act of worship. Furthermore, it is the most significant of times. The Prophet departed 'Arafah in a tranquil manner and let loose the reins of his ride such that its tip touched his saddle's haunch. He ﷺ used to signal the people with his blessed hand and say, "O people! Tranquillity, tranquillity."[569]

It is important that the pilgrims observe this lofty mannerism by moving towards Muzdalifah in a tranquil and peaceful manner and should neither rush to get there nor create trouble. This is especially the case nowadays where pilgrims drive their vehicles to Muzdalifah. The hazards caused by motor vehicles are well-known as are the chances of accidents. It is an obligation upon the drivers to fear Allah and to proceed in a calm manner and allow other pilgrims

568 Reported by al-Bayhaqī (5/125) and Muslim (4/79) from the hadīth of Jābir.

569 A portion of the hadīth narrated by Jābir ibn 'Abdillah where he describes the Hajj of the Prophet ﷺ. This hadīth was reported by Muslim (4/38-42).

who are ahead of them enough room so that they too can reach Muzdalifah in a calm manner and without incident.

متن ويُسرِع في الفَجْوةِ، ويَجْمع بها بين العشاءَيْن ويَبيتُ بها، وله الدَّفْعُ بعدَ نصفِ الليلِ، وقبلَه فيه دمٌ، كوصولـهِ إليها بعد الفجر لا قَبْلَه

He may speed up when there is room. The two night prayers are combined and he spends the night there. He may choose to leave after midnight. He must pay the *dumm* penalty if he leaves before that and pay likewise if he reached it after dawn but not before.

"He may speed up when there is room": The pilgrims move towards Muzdalifah in a tranquil manner as was the manner of the Prophet. However, if there is a large space on the trail ahead of them and there is no harm to anyone, they may speed up as was the practice of the Prophet ﷺ.[570]

"The two night prayers are combined": Once he reaches Muzdalifah, he combines the two night prayers: *maghrib* and *'ishā*. He should not perform the prayers whilst on the trail heading towards Muzdalifah. This is because the Prophet ﷺ made ablution but did not perform the prayers until he reached Muzdalifah.[571] The pilgrims should combine these two prayers once they arrive at Muzdalifah unless they fear that it will be dawn break before they reach it. In this scenario, they may combine the prayers along the trail towards Muzdalifah and not allow the prayer time to lapse.

"And he spends the night there": That is, spending the night at Muzdalifah as the Prophet ﷺ spent the night there until dawn. As for those who just pass by Muzdalifah, i.e. those who pray the two night prayers there and then depart, they have done an action contradicting the Sunnah and the guidance of the Prophet ﷺ. They have forgone a *wājib* act from among the *wājibāt* acts of Hajj. Spending the night at Muzdalifah is *wājib* and it will not suffice the pilgrim to pass it by without staying there as practiced by some of them.

"He may choose to leave after midnight": It is not permissible for him to leave

570 Reported by al-Bukhārī (2/200), (4/70), (5/226) and Muslim (4/74) from the narration of Usāmah ibn Zayd.

571 Reported by al-Bukhārī (2/200-201) and Muslim (4/73) from the narration of Usāmah ibn Zayd.

Muzdalifah before midnight. He may leave at midnight, especially those who have valid reason to do so like the aged, sick, women and children. They may fear leaving during the day due to crowding. Therefore, these groups of people are allowed to depart from Muzdalifah after midnight. Those who need to escort these groups of people may leave along with them as the Prophet ﷺ gave concession to those who are frail to leave Muzdalifah and head towards Mina.[572]

Those who are healthy and fit must stay the night. They are ordained to perform the *fajr* prayer at Muzdalifah as we shall discuss shortly.

"He must pay the *dumm* penalty if he leaves before that and pay likewise if he reached it after dawn but not before": Whoever leaves before midnight has indeed failed to perform a *wājib* act and is obliged to pay *fidyah* for it by sacrificing a sheep in Makkah and distributing it to the poor people of the Haram. He may also share equally with six others to sacrifice a camel and then distribute his share of the meat.

If he is not able to procure a sacrificial animal, he must fast for ten days as expiation for not doing a *wājib* act of Hajj. Similarly, those who delay their arrival at Muzdalifah until after dawn without a valid reason must offer expiation. This is because they have missed spending the night at Muzdalifah which is a *wājib* act of Hajj. Hence, they must compensate for this by paying a *fidyah*. However, those who arrive at Muzdalifah after dawn because of a valid reason or were prevented from reaching it on time need not offer expiation.

متن فـإذا صلَّى الصبحَ أتى المشْعَرَ الحرامَ فيرقاه، أو يقفُ عنده ويحمدُ الله ويكبِّرُهُ ويقرأُ: ﴿فَإِذَا أَفَضْتُمْ مِنْ عَرَفَاتٍ فَاذْكُرُوا اللَّهَ عِنْدَ الْمَشْعَرِ الْحَرَامِ..﴾ الآيتين، ويَدْعو حتى يُسْفِرَ

Once he has performed the morning prayer, he goes to al-Mash'ar al-Harām and ascends it or stands near it. He praises Allah, glorifies Him (i.e. saying "*al-hamdulillah, allāhu akbar*") and recites: {But when you depart from 'Arafah, remember Allah at al-Mash'ar al-Haram.}[573] And engages in invocation until the horizon turns yellow.

"Once he has performed the morning prayer, he goes to al-Mash'ar al-Harām

572 Reported by al-Bukhārī (2/202) and Muslim (4/77 and 78) from the narration of Ibn 'Abbās.

573 Al-Baqarah:198-199

and ascends it or stands near it. He praises Allah, glorifies Him": It is Sunnah for those who perform the *fajr* prayer at Muzdalifah to stand there and invoke Allah. It is meritorious to go over to the mountain called al-Mash'ar al-Haram which is also called Mount Qazh, and stand there. It is however sufficient for him to stand at the place where he had spent the night and invoke Allah. Praise be to Allah. The Prophet ﷺ said while he was at Muzdalifah, "I stand here and the whole of Jam'an is a place of standing."[574] What is important to emphasise is that it is *mustahabb* for one to strive to invoke Allah much after the *fajr* prayer until the horizon turns bright yellow. He then leaves Muzdalifah and heads for Mina just before sunrise.

"And recites": Here one recites ayah 198 and 199 from Sūrah al-Baraqah: **{But when you depart from 'Arafah, remember Allah at al-Mash'ar al-Haram. And remember Him, as He has guided you, for indeed, you were before that among those astray. Then depart from the place form where the people depart and ask forgiveness of Allah. Indeed, Allah is Forgiving and Merciful.}**[575]

"And engages in invocation until the horizon turns yellow": He recites both the above ayahs and then invokes Allah with invocations that are easy for him.

متن فإذا بَلَغَ مُحَسِّراً أسرعَ رَمْيَةَ حجرٍ وأخذ الحَصَى – وعددُه سبعونَ بين الحِمّصِ والبُنْدقِ

After reaching Muhassir Valley, the pilgrim increases his speed to a stone's throw. He gathers seventy pebbles ranging from the size of chick-peas to hazelnuts.

"After reaching Muhassir Valley, the pilgrim increases his speed to a stone's throw": Once he makes invocations after *fajr* prayer at Muzdalifah, he departs before sunrise. This is because the Prophet ﷺ left Muzdalifah before sunrise[576] which was contradictory to the habit of the polytheists. The polytheists used to make *wuqūf* until sunrise and say, "As the sun rises above Mount Thabīr so shall we depart."

So the Prophet ﷺ contradicted them by leaving Muzdalifah before sunrise.

574 Reported by Muslim (4/43) from the hadīth of Jābir ibn 'Abdillah.

575 Al-Baqarah: 198-199

576 Reported by al-Bukhārī (2/204) from the narration of 'Umar ibn al-Khattāb.

The pilgrims then pass through the Muhassir Valley which is at the half-way mark between Mina and Muzdalifah and is a *barzakh* (divider) between the two great symbols. The valley is neither in Mina nor in Muzdalifah. The pilgrims travel through it quickly and for this reason it is called Muhassir Valley (From the root word *hasar* i.e. weariness as the pilgrims grow weary due to the speed of travel). It is also said that in this valley calamity befell the people of the elephant who were on their way to demolish the Ka'bah. Allah sent down his punishment in this valley. Hence the pilgrim hurries through the valley and does not linger there for a long time lest a similar calamity that befell those who were tormented befalls them too. This valley is not wide as described by the Prophet ﷺ: "A stone's throw away."

"He gathers seventy pebbles ranging from the size of chick-peas to hazelnuts": He should gather seventy pebbles if he plans to stay the entire Hajj period and forty nine pebbles if he plans to leave a day early. He gathers the pebbles while travelling between Muzdalifah and Mina as was done by the Prophet ﷺ. However, if he gathers all the pebbles for all the days at Muzdalifah or between Muzdalifah and Mina, it is permissible. This matter is not restricted, praise be to Allah.

However it is surely better to do as the Prophet ﷺ did and gather seven pebbles along the way to throw at Jamrah al-Aqabah.[577]

The rest of the pebbles are gathered around the camp site in Mina, whereby one takes the amount that is needed for that particular day. This is evidently easier on him. He is not required to pick all the pebbles only at Muzdalifah. He can gather the pebbles at Muzdalifah, along the way to Mina and at Mina. There are a lot of options for him.

The size of the pebble that is thrown at the Jamrat is described as being between "from the size of chick-peas to hazelnuts." The chick-pea is well-known and *al-bunduq* is the type of pebble used to shoot at birds and is slightly bigger than a chick-pea.

The pilgrim should not gather stones that are huge as this is excessiveness and going beyond bounds. Instead, he should gather pebbles that are slightly

577 Reported by Ahmad (1/215), al-Nasā'ī (5/268) and Ibn Mājah (3029) from the narration of Ibn 'Abbās.

bigger than a chick-pea or a broad bean. This is the size of the pebbles thrown by the Prophet ﷺ. When Ibn 'Abbās picked the pebbles for him, he only chose those that were slightly bigger than a chick-pea and said, "Pebbles of this size are thrown. Beware of all excessiveness for verily those before you were destroyed due to excessiveness."[578]

Large pebbles should not be thrown as it is tantamount to going beyond bounds. The pilgrim should also not throw pebbles smaller than a chick-pea as this contradicts the Sunnah. He should choose pebbles that are the size of the pebbles thrown by the Prophet ﷺ as described in the hadīth.

متن فإذا وصل إلى مِنىً: وهي من وادي مُحَسِّرٍ إلى جَمْرةِ العقبةِ رماها بسبع حَصَيَاتٍ مُتَعاقباتٍ

Arriving at Mina—an area stretching from Muhassir Valley to the Jamrah al-Aqabah—he throws seven pebbles one after the other.

"Arriving at Mina—an area stretching from Muhassir Valley to the Jamrah al-Aqabah—he throws seven pebbles one after the other": Mina stretches from Muhassir Valley to Jamrah al-Aqabah. These are the eastern and western borders. The northern and southern boundaries are encircled by two opposite mountains. This is the total surface area of Mina. Any land in the direction of Makkah after Jamrah al-Aqabah is outside the periphery of Mina. The pilgrim arrives at Jamrah al-Aqabah, which is the biggest pillar and the one which is nearest to Makkah. It is so called because it used to be on the trail that led up a mountain. Al-Aqabah refers to a mountainous trail. However, the mountain was levelled to make way for expansions. It is also called al-Jamrah al-Kubra. No pebbles are thrown on the day of 'Eid except these seven pebbles which he does upon arriving at Mina.

متن يرفع يدَه اليُمنى حتى يرى بياضَ إبْطِه، ويكبِّر مع كلِّ حَصَاةٍ، ولا يجزئُ الرَّمْيُ بغيرِها، ولا بها ثانياً، ولا يقفُ، ويقطعُ التلبيةَ قبلَها

He raises his right hand to the extent that the armpit is visible and says *takbīr* each time he throws a pebble. Throwing anything else is not permitted neither should he re-use the pebbles that he has thrown. He should not stand there and stops chanting the *talbiyah* just before it.

578 Reported by Ahmad (1/215), al-Nasā'ī (5/268) and Ibn Mājah (3029) from the narration of Ibn 'Abbās.

"He raises his right hand to the extent that the armpit is visible and says *takbīr* each time he throws a pebble": The correct method of throwing the seven pebbles at Jamrah al-Aqabah is to throw the pebbles one by one, raising the hand to do so. He should exaggerate in raising his hands such that his armpit is visible to others. This is the method used by the Prophet ﷺ so that each throw is strong enough.

The pebbles are thrown one after the other. It is not permitted for him to throw all the pebbles in one throw. If he does, it will only be considered as throwing a single pebble. Instead, he should throw one pebble at a time and do so continuously until all seven pebbles are thrown. It is a Sunnah that one say, "*allahu akbar*" with each throw.

"Throwing anything else is not permitted neither should he re-use the pebbles that he has thrown": Only pebbles can be thrown. Throwing a piece of metal, wood, clay or glass is not permissible. This is because the Prophet ﷺ threw pebbles and said, "Take from me your rites of pilgrimage."[579]

Similarly, re-using thrown pebbles is not permitted. This is because the pebbles have already been used in worship and those already thrown should not be thrown again. A parallel example would be water used for ablution. Once a person uses water for ablution, whatever water that falls away from his body parts should not be re-used for the purpose of ablution. This water is now considered "used water". The pilgrim should not pick the pebbles that have been thrown into the trough of the Jamrāh and then throw them again. However, he may gather pebbles from the valley or that which fell on the ground and throw them at the Jamrāh.

"He should not stand there": That is, after throwing the pebbles at Jamrah al-Aqabah. Instead, he should move on just as the Prophet ﷺ moved on after throwing the pebbles on the day of 'Eid. He did not stand and make supplications after throwing the pebbles.[580]

"And stops chanting the *talbiyah* just before it": As soon as he goes to throw

579 Reported by al-Bayhaqī with this wording (5/125) from the narration of Jābir. It is also reported by Muslim (4/79).

580 As narrated by Jabir in the hadīth where he describes the Hajj of the Prophet ﷺ reported by Muslim (4/42).

the pebbles at Jamrah al-Aqabah, he is considered to have made *tahalul.* The Prophet ﷺ kept chanting the *talbiyah* until he threw pebbles at Jamrāh al-Aqabah.[581]

متن ويرمى بعد طلوع الشمسِ ويجزئُ بعد نصف الليلِ

He throws after sunrise and it is allowed to do so after midnight.

"He throws after sunrise and it is allowed to do so after midnight": Those without any valid excuses should throw the pebbles after sunrise. Those who have valid excuses are permitted to throw after midnight if they leave Muzdalifah after midnight. Umm Salamah departed from Muzdalifah after midnight and then threw the pebbles at the Jamrah.[582] It is only appropriate that the fit and healthy should throw the pebbles after sunrise as was done by the Prophet ﷺ.[583]

If they throw the pebbles after midnight it is still permissible for them. However, to do so after sunset is better.

متن ثم ينحرُ هدياً إن كان معه

He then slaughters his sacrificial animal, if he has it.

"He then slaughters his sacrificial animal, if he has it": This is the second rite of Hajj that is done on the day of 'Eid. Those who possess the sacrificial animal must slaughter it if they have done the first rite of throwing pebbles at Jamrah al-Aqabah after sunrise. The Prophet ﷺ slaughtered the sacrificial animal that he had with him after throwing the pebbles at Jamrah al-Aqabah.[584]

متن ويَحْلِقُ أو يُقَصِّرُ من جميع شعرِه، وتُقَصِّرُ منه المرأةُ قدرَ أُنْمُلةٍ

581 Reported by al-Bukhārī (2/201) and Muslim (4/71) from the narration of al-Fadl ibn al-'Abbās.

582 Reported by Abu Dawūd (1942).

583 Reported by Muslim (4/80) from the hadīth narrated by Jābir who said, "The Prophet ﷺ threw pebbles at Jamrah on the day of sacrifice in the morning and in the afternoon on the days that followed.

584 As related in the hadīth narrated by Jābir where he describes the Hajj of the Prophet ﷺ reported by Muslim (4/42).

He shaves the hair or shortens his hair all around. A woman cuts her hair the length of one *unmulah*.

"He shaves the head or shortens his hair all around": The third rite of Hajj on the day of 'Eid is the shaving of the head or shortening of all of the hair. Shaving the head is only for men. He may opt to cut all the hair on his head. It is not permissible to cut some of the hair on some parts of his head and leave the other parts uncut. This practice is rife with the ignorant people and with those who claim that there is a concession to shorten the hair from the sides and leave the rest uncut. This is insufficient as shortening the hair is a replacement for shaving it. Shaving of the hair encompasses the entire head. Similarly, shortening of the hair must be done throughout the head. This does not mean that he has to cut every single strand of hair on the head. It just refers to cutting of the hair all around the head.

It must be mentioned that shaving the head is better as the Prophet ﷺ sought forgiveness thrice for those who shaved their head. He sought forgiveness only once for those who shortened their hair.[585] This is proof that shaving the head is better for the male than shortening of the hair. Allah mentioned shaving the head before he mentioned about shortening of the hair: **{With your heads shaved and [hair] shortened.}**[586]

"A woman cuts her hair the length of one *unmulah*": Women, on the other hand, should not shave their hair. Instead, she just has to cut her hair the length of an *unmulah* which is a third of a finger's length. Each finger has three ridges except the thumb. The space in between two ridges is called *unmulah* in Arabic. Women need only trim this much and they do so by bunching their hair together and snipping it off.

متن

ثم قد حَلَّ لـه كلُّ شيءٍ إلا النساءَ

After that, everything is permissible for him except women.

"After that, everything is permissible for him except women": Thus far he has done two out of three rites: throwing pebbles at the Jamrah and shaving his head or shortening the hair. If he goes on to perform *tawāf al-ifādah*, he has

585 Reported by al-Bukhārī (2/213) and Muslim (4/81) from the narration of Abu Hurairah.
586 Al-Fath: 27

achieved full *tahalul* and everything that was forbidden for him while he was in *iḥrām* become permissible once again; including having sexual intercourse with his wife. However if he has only completed two of the three rites, he has achieved the primary *tahalul* which makes it permissible for him to do all things that were forbidden while he was in *iḥrām* except sexual relations with his wife. It only becomes permissible for him when he completes the third rite which is the *tawāf*.

متن والحِلاَقُ والتقصيرُ نُسكٌ، لا يَلْزَمُ بتأخيرِه دمٌ، ولا بتقديمِهِ على الرَّمْيِ والنَّحْرِ

Shaving the head and shortening of the hair is a rite. No expiation is required for doing it before or after throwing pebbles at the Jamrah and slaughtering the sacrificial animal.

"Shaving the head and shortening of the hair is a rite. No expiation is required for doing it before or after throwing pebbles at the Jamrah and slaughtering the sacrificial animal": It is correct to say the shaving of the head and shortening of the hair is a rite. It is not an act restricted to *tahalul* as some people claim. In fact, it is a rite from among the rites of Hajj. Its timing is flexible. One may wish to do it on the day of sacrifice or may wish to delay it. There is no expiation for doing it before or after throwing pebbles at Jamrah and slaughtering the sacrificial animal. The four rites, namely, throwing pebbles, slaughtering the sacrificial animal, shaving the head or shortening the hair and *tawāf* with *sa'ī* can be done in any order; even though the sequence above is better. The Prophet ﷺ performed his Hajj in this sequence. Altering the sequence to one's needs is permissible. This is because every time someone asked the Prophet ﷺ regarding the permissibility of performing the four rites in a varying order, he said, "Proceed, it is not an issue."[587]

587 Reported by al-Bukhārī (1/31, 43), (2/215), (8/168-169) and Muslim (4/82-83) from the narration of 'Abdullah ibn 'Amr ibn al-'Āṣ.

فصــــل
SECTION

متن ثم يُفيض إلى مكةَ، ويطوفُ القارِنُ والمُفْرِدُ بنيَّةِ الفريضة طوافَ الزيارةِ وأولُ وقته بعد نصف ليلةِ النَّحْر، ويسنُّ في يومه، وله تأخيرُه

Then he proceeds to Makkah and those performing *al-qirān* or *al-ifrād* make *tawāf* with the intention of making the obligatory *tawāf al-ziyārah*. The earliest time for it is at midnight of the day of sacrifice. It is Sunnah to do it during the day. He may delay it if he so wishes.

"Section: Then he proceeds to Makkah": Once the three rites: throwing pebbles at the Jamrah, slaughtering the sacrificial animal and shaving the head or shortening the hair are completed, he goes to Makkah. That is, he leaves Mina for Makkah to carry out the fourth rite: *tawāf al-ifādah*. It must be pointed out that the slaughtering of the sacrificial animal need not take place on the day of 'Eid. However, doing so on the day of 'Eid after throwing pebbles at Jamrah al-Aqabah is better. He may delay the sacrifice until sunset of the thirteenth of Dhul Hijjah. It is permissible to slaughter the sacrificial animal any time within this period and he may do so as and when he prefers.

"And those performing *al-qirān* or *al-ifrād* make *tawāf* with the intention of making the obligatory *tawāf al-ziyārah*": Once he arrives there, those performing the *qirān* and *ifrād* forms of pilgrimage make *tawāf* with the intention that it is obligatory. That is, the intention should not be of *tawāf al-qudūm* (which one does on arrival) but it should be with an intention that it is an obligatory *tawāf*, not a supererogatory one.

Tawāf al-ziyārah is in fact *tawāf al-ifādah*. It is also called *tawāf al-sadr*. These are the names for this particular *tawāf* which is a *rukn* (pillar) amongst the *arkān* (pillars) of Hajj.

"The earliest time for it is at midnight of the day of sacrifice. It is Sunnah to do it during the day. He may delay it if he so wishes": The time is fixed for when one can begin performing *tawāf al-ifādah*. He can start performing it at midnight of the day of sacrifice. There is no restriction as to the latest time when *tawāf al-ifādah* must be performed. He may delay it as he wishes until after the day of *tashrīq* and even after the month of Dhul Hijjah. It has a specific time when one can start performing but there is no specification for when its period expires. However, it is best that one performs it as soon as possible.

متن ثم يسعَى بين الصَّفا والمروةِ إن كان مُتَمتعاً، أو غيره ولم يكن سعى بعد طواف القدوم

He then makes *sa'ī* between Safā and Marwah, that is, those who are performing 'Umrah and those who have yet to make *sa'ī* after performing *tawāf al-qudūm* (arrival).

"He then makes *sa'ī* between Safā and Marwah, that is, those who are performing 'Umrah and those who have yet to make *sa'ī* after performing *tawāf al-qudūm* (arrival)": *Tawāf al-ifādah* is *wājib* for all those who are performing Hajj. It is *wājib* for those who are performing *al-tamattu'*, *al-qirān* or *al-ifrād*. It is *wājib* that those performing *al-tamattu* make *sa'ī* immediately after *tawāf al-ifādah* as *sa'ī* is a permanent feature of 'Umrah. Hence, those performing *al-tamattu'* have to perform *tawāf* and *sa'ī* twice: *tawāf* and *sa'ī* for 'Umrah and *tawāf* and *sa'ī* for Hajj. If those performing *al-qirān* and *al-ifrād* made *sa'ī* after *tawāf al-qudūm*, they need not repeat it after *tawāf al-ifādah*. If they failed to make *sa'ī* after *tawāf al-qudūm*, then they must do so after *tawāf al-ifādah*.

متن ثم قد حَلَّ لـه كلُّ شيء

With this, all things are made permissible.

"With this, all things are made permissible": As soon as the fourth rite—which is *tawāf al-ifādah*—is completed, he attains full *tahalul*. This is provided that he has completed the other three rites by which he achieved primary *tahalul*. Everything that was forbidden for him whilst in the state of *ihrām* like

wearing stitched garments, covering the head, wearing perfume and having sexual relations with his wife become permissible once again.

متن ثم يشربُ من ماء زمزمَ لما أَحَبَّ، ويَتَضَلَّعُ منه، ويدعو بما ورد

He drinks Zamzam water desiring a thing and over-indulges himself. He then supplicates with that which is prescribed.

"He drinks Zamzam water desiring a thing and over-indulges himself": After performing *tawāf al-ifādah*, he goes to the Zamzam well and drinks from it. This is the Sunnah as the Prophet ﷺ did it.[588] He drinks Zamzam water with the intention to gain a thing. The Prophet ﷺ said, "The water of Zamzam is for whatever it is drunk for."[589] So, one intends something that he desires of this world or the Hereafter as the Zamzam water is blessed. He over-indulges himself while drinking it such that he fills up his stomach with it.

"He then supplicates with that which is prescribed": He supplicates with that which is authentically reported whilst drinking Zamzam water: "*Allahumma aj'alhu 'ilman nāfi'an, wa rizqan wāsi'an, wa riyyan wa shiba'an wa shifā'an min kulli dā'in, allahumma ighsil bihi qalbī wa amlahu min khashyatika.*" (O Allah, make it (Zamzam water) a source of gaining beneficial knowledge, vast provision, quenching thirst and satisfying hunger and a cure from all diseases. O Allah, wash my heart with it and fill it (my heart) with fear for You)[590] This is the supplication prescribed when drinking Zamzam water.

متن ثم يرجعُ فيبيتُ بِمَنَىً ثلاثَ ليالٍ

He returns to Mina and spends three nights there.

"He returns to Mina and spends three nights there": After completing *tawāf*

588 As mentioned in the hadīth of Jābir where he describes the Hajj of the Prophet ﷺ reported by Muslim (4/42).

589 Reported by Ahmad (3/357) and Ibn Mājah (3602) from the narration of Jābir ibn 'Abdillah.

590 It has been reported from Ibn 'Abbās that when he drank Zamzam water he used to say: "*Allahumma innī asaluka 'ilman nāfi'an wa rizqan wāsi'an wa shifā min kulli dā'in.*" (O Allah, I seek from you beneficial knowledge, wide provisions and cure from every ailment.) Reported by al-Dāraqutnī (2/288) and al-Hākim (1/473).

al-ifādah and *sa'ī* (if *sa'ī* was still pending completion) he returns to Mina and should not stay at Makkah. He stays at Mina during the three days of *tashrīq*. He spends the days and nights there, though spending the nights there is *wājib* and staying at Mina during the day is Sunnah. The three nights *wājib* to be spent at Mina are the eleventh, twelfth and the thirteenth of Dhul Hijjah. This is provided that he delays his Hajj until the thirteenth. If he expedites his departure, then it will suffice him to spend two nights there: the eleventh and twelfth of Dhul Hijjah. More will be discussed regarding this shortly. If he fails to spend the nights at Mina, he must offer expiation as he has failed to fulfil a *wājib* act of Hajj. However, he can be excused of this obligation if he has a valid reason in line with the *Sharī'ah* that prevents him from doing so.

متن فيرمي الجَمْرَةَ الأولى وتلي مسجدَ الخَيْفِ بسبعِ حَصَيَاتٍ

He throws at the first Jamrah, which is nearest to al-Khayf *masjid*, seven pebbles.

"He throws at the first Jamrah, which is nearest to al-Khayf *masjid*, seven pebbles": He throws pebbles at the first Jamrah, which is also known as Jamrah al-Sughrā. It is nearest to al-Khayf *masjid*. He throws seven pebbles consecutively by raising his hand as he throws each pebble whilst saying "*Allahu akbar*" with each throw.

متن ويجعلُها عن يساره، ويتأخرُ قليلاً، ويدعو طويلاً، ثم الوسطى مِثْلَها، ثم جمرة العَقَبَة ويجعلُها عـن يمينه، ويَستبطِنُ الوادي، ولا يقف عندها

He stands such that it is on his left, steps back slightly and spends a long time standing there invoking. He then moves to al-Wusta and does likewise. He then proceeds to Jamrah al-Aqabah. He stands such that it is on his right. He goes to the valley floor and does not stand there.

"He stands such that it is on his left, steps back slightly and spends a long time standing there invoking": Once he has thrown the pebbles at Jamrah al-Sughra, he proceeds in the direction where Jamrah al-Wusta is located. He stands such that Jamrah al-Sughra is on his left. He faces the *qiblah* and invokes Allah in a lengthy manner. Some Companions used to invoke for a period of time it takes one to read the whole of Sūrah al-Baqarah.

"He then moves to al-Wusta and does likewise": He throws seven pebbles one after the other at Jamrah al-Wusta by raising the hand and says the *takbīr*; just as he did at Jamrah al-Sughra.

"He then proceeds to Jamrah al-Aqabah. He stands such that it is on his right. He goes to the valley floor": He stands to invoke similarly and then proceeds on to Jamrah al-Aqabah, which is the last one and throws at it from the direction of the valley. This is how it was done during the lifetime of the Prophet ﷺ as there used to be a mountain in this location. The pebbles were not thrown from the top of the mountain but from the valley. However, since the mountain was demolished due to an expansion project sanctioned by the ruler, pilgrims can now throw the pebbles from any direction that is of convenience to them.

"And does not stand there": As soon as he throws the pebbles at Jamrah al-Aqabah, he leaves the place and does not stand there to make invocations as he did at Jamrah al-Sughra and Jamrah al-Wusta.

متن يفعل هذا في كلِّ يومٍ من أيام التشريق بعد الزوال، مستقبلَ القِبْلةِ مرتِّباً

He does this in sequence after the sun sets from its zenith while facing the *qiblah* each day during the days of *tashrīq*.

"He does this in sequence after the sun sets from its zenith while facing the *qiblah* each day during the days of *tashrīq*": The acts referred to here are throwing pebbles at Jamrah al-Sughrā, al-Wustā and then al-'Aqabah. He throws seven pebbles at each Jamrah and stands at Jamrah al-Sughrā and al-Wustā to invoke Allah. He does this each day of the days of *tashrīq* which are the eleventh, twelfth and thirteenth of Dhul Hijjah. He starts throwing pebbles on the days of *tashrīq* after the sun has set from its zenith (*zawāl*) as the Prophet ﷺ used to wait until the sun set from its zenith on the days of *tashrīq* before he performed *al-ramī* (throwing pebbles at the pillars). His Companions used to do likewise. If *al-ramī* was permissible before the sun set from its zenith as claimed by some people, then the Prophet ﷺ would have informed us about it. There is not a thing related to the *dīn* except that the Prophet ﷺ explained it to his nation. If *al-ramī* was permissible before *zawāl*, he would have permitted it or would have set an example by doing it. However, there is neither evidence that he allowed anyone to do it nor that he did it himself ﷺ. Not even one of

his Companions did so. This proves that performing *al-ramī* before *zawāl* is not permitted.

متن وإن رماه كلَّه في الثالث أجـزأه، ويرتِّبه بنيَّته، فإن أَخَّرَه عنه أو لم يبتْ بها فعليه دمٌ

It is permissible to throw all the pebbles on the third day. He performs them in order by intending them. If he delays it after these three days or does not spend the nights at Mina, he must pay the *dumm* penalty.

"It is permissible to throw all the pebbles on the third day. He performs them in order by intending them": If he does not throw the pebbles at the Jamrāt on the eleventh and the twelfth, it is permissible for him to collate and throw them altogether on the thirteenth. This is because all three days fall within the period when *al-ramī* is prescribed. However, he must do so in sequence. He should throw the pebbles of the eleventh day first by throwing at the three Jamrāt. Afterwards, he returns to throw the pebbles for the twelfth day. He returns once again to throw pebbles for the thirteenth day. This concession is a relief for those who are unable to perform *al-ramī* on all three days of *tashrīq* due to some hardship, crowding or other hazards. They may delay throwing the pebbles until the crowds lessen on the thirteenth day. This is because most of them expedite their departure leaving on the twelfth of Dhul Hijjah. Hence, the crowds will be less on the thirteenth day and it will be easier on the pilgrims to do this rite.

"If he delays it after these three days or does not spend the nights at Mina, he must pay the *dumm* penalty": If he delays *al-ramī* until after the thirteenth of Dhul Hijjah, then he has missed this rite as the prescribed time for it has ended. One cannot make up for it at a later time. Hence, he must pay the *dumm* penalty which is a *fidyah* to rectify the error. Since he failed to perform a *wājib* act of Hajj, he must pay this penalty. Whoever fails to perform a *wājib* act of Hajj must offer expiation in the form of *fidyah*. Similarly, he who fails to spend the nights at Mina without a valid excuse must pay *fidyah* as he has failed to perform a *wājib* act of Hajj. Failing to do so warrants a *dumm* penalty.

متن ومن تعجَّل في يومين خرجَ قبل الغروب، وإلا لزمه المبيتُ والرَّمْيُ من الغد

Whoever wishes to expedite his departure after two days must leave before sunset. If not, he must spend that night and perform *al-ramī* the next day.

"Whoever wishes to expedite his departure after two days must leave before sunset. If not, he must spend that night and perform *al-ramī* the next day": A Muslim is given the choice of spending three nights at Mina and performing *al-ramī* on all three days. This is best for him as the Prophet ﷺ did so.

However, he may choose to expedite his departure after throwing pebbles at the three Jamrāt after *zawāl* on the twelfth of Dhul Hijjah. He may leave Mina thereby concluding his Hajj. The only condition is that he has to leave Mina before the sun sets on the twelfth. If he stays at Mina until sunset, then he is obliged to spend the night at Mina and throw pebbles at the Jamrāt on the thirteenth of Dhul Hijjah. The condition to expedite one's departure from Mina is to leave it before sunset.

Having an intention to expedite his departure is not sufficient by itself. Some people have erroneously given this religious ruling. The intention to expedite will not suffice. One must physically carry out his plan. However, if he carries all his belongings and begins his journey but is hindered from leaving Mina by sunset due to over-crowding, then he may proceed to leave Mina as he had planned. There is no blame on him to do so for he had already started his departure.

متن فإذا أراد الخروجَ من مكةَ لم يخرجْ حتى يطوفَ للوداعِ فإن أقام أو اتَّجَرَ بعده أعاده

He should not leave Makkah without performing *tawāf al-wadā'*. If he stays or trades thereafter, he must repeat the *tawāf*.

"He should not leave Makkah without performing *tawāf al-wadā*": *Tawāf al-wadā'* is the last rite of Hajj. If a person wishes to leave Makkah after completing his Hajj and is set to make a short or long journey from Makkah, he must perform this *tawāf* around the Ka'bah seven times. It is called *tawāf al-wadā'* because it is the last thing the one does. Furthermore, the Prophet ﷺ said, "One should not leave until he performs *tawāf* of the House."[591]

It is mentioned in the hadīth narrated by Ibn 'Abbās ﷺ, "... They were ordered to let it (the *tawāf*) be the last act to be fulfilled at the House. Except those

591 Reported by Muslim (4/93), Ahmad (1/222) and Abu Dawūd (2002) from the narration of 'Abdullah ibn 'Abbās.

menstruating women who are excused from it."[592]

Tawāf al-Wadā' is a *wājib* act of Hajj as the Prophet had emphasised strongly that all those leaving Makkah should perform it after completing the Hajj rites.

"If he stays or trades thereafter, he must repeat the *tawāf*": If a pilgrim performs *tawāf al-wadā'* and thereafter spends the night or a few more days—a period which constitutes as taking up residence according to custom—in Makkah, his *tawāf* is made obsolete as this act was not the last thing that he performed in Makkah. He must repeat the *tawāf* when he is about to leave Makkah.

In the hadīth narrated by Ibn 'Abbās, the Prophet ﷺ commanded thus: "Let it (the *tawāf*) be the last act to be fulfilled at the House."

"Or trades": That is, buying and selling as a form of business dealings to make a profit after one has performed *tawāf al-wadā'*. He has effectively made this *tawāf* obsolete by engaging in trade as the *tawāf* was not the last thing he did. In fact it was the buying and selling which was his final act. Therefore, he must repeat *tawāf al-wadā'*.

In the situation where he performs the *tawāf* but goes to his place of residence to pick up something important or his belongings, then this is not an issue. Similarly, he is not penalized for buying things necessary for his journey or gifts for his relatives whilst on his way out. These acts do not render *tawāf al-wadā'* invalid as they are essential to the journey. However, trade in the form of buying and selling is prohibited.

Hence, *tawāf al-wada'* is nullified by two things:

Firstly: Staying in Makkah after performing the *tawāf*.

Secondly: Engaging in trading activities in Makkah after performing the *tawāf*.

متن وإن تركه غير حائضٍ رجع إليه، فإن شَقَّ أو لم يرجعْ فعليه دمٌ، وإن أَخَّر طوافَ الزيارة

592 Reported by al-Bukhārī (2/202) and Muslim (4/93).

فِطافه عند الخروج أجزأ عن الوداع

Anyone other than a menstruating women who fails to perform it must return to do it. If returning is difficult or he does not return then the *dumm* penalty is exacted. If he delays *tawāf al-ziyārah* until just before his departure, it will suffice as *tawāf al-wadā'*.

"Anyone other than a menstruating women who fails to perform it must return to do it. If returning is difficult or he does not return then the *dumm* penalty is exacted": If a person leaves Makkah without performing *tawāf al-wadā'*, then he is obliged to return to Makkah so as to perform it. This is provided that he has not ventured too far away from Makkah. If he has indeed travelled far from it, then returning would not be beneficial as his journey is well underway. Hence, he has to pay the *dumm* penalty as he has failed to perform a *wājib* act of Hajj.

The menstruating woman is not obliged to perform *tawāf al-wadā'*. Allah has awarded her a concession that exempts her from the obligation as mentioned in the hadīth narrated by Ibn 'Abbās: "Except those menstruating women who are excused from it." When Safiyah, the Prophet's wife, began to menstruate and the Messenger of Allah ﷺ knew of it, he asked, "Is she holding us back?" He asked this in the assumption that she had not performed *tawāf al-ifādah*. They replied, "O Messenger of Allah, she has performed *tawāf al-ifādah*." He ﷺ then said, "Let her depart then."[593] This is proof that *tawāf al-wadā'* is not *wājib* for a menstruating woman. This is a concession from Allah.

"If he delays *tawāf al-ziyārah* until just before his departure, it will suffice as *tawāf al-wadā'*": If he delays *tawāf al-ziyārah* (which is *tawāf al-ifādah*) until just before his journey, he may combine this *tawāf* with *tawāf al-wadā'* as it meets the condition of being the last thing he did before his departure.

متن

ويقفُ غيرُ الحائض بين الرُّكْن والباب داعياً بما ورد –وتقف الحائضُ ببابه وتدعو بالدعاء

Everyone, except the menstruating women, stand invoking that which is prescribed between the *rukn* and the door. The Menstruating woman stands by its door uttering invocations.

593 Reported by al-Bukhārī (5/223) and Muslim (4/93)

"Everyone, except the menstruating women, stand invoking that which is prescribed between the *rukn* and the door": After performing *tawāf al-wadā'* and just before embarking upon one's journey, it is *mustahabb* for him to stand between the *rukn* (the corner) where the black stone is located and the door of the Ka'bah. He then invokes Allah excessively, seeking Allah's forgiveness and that He accepts all pious deeds just before his journey. He asks Allah to let him return to the Sacred House again and not let this be the last time he visits the Ka'bah. He then makes supplications that are easy for him. This act which is called *al-iltizām* is among the Sunnah acts of Hajj.

"The Menstruating woman stands by its door uttering invocations": The menstruating woman should not enter *al-masjid al-haram* just as she should not enter any other *masjid*. Therefore, she stands near the door of the *masjid* and makes various supplications that are easy for her.

متن

وتستحب زيارةُ قبر النبي ﷺ، وقبري صاحبيه

And it is *mustahabb* to visit the grave of the Prophet ﷺ and that of his two companions.

"And it is *mustahabb* to visit the grave of the Prophet ﷺ and that of his two companions": It is Sunnah to visit the grave of the Prophet ﷺ and those of others—as long as it does not require travel— with the objective to send greetings upon the deceased and to supplicate for them. Travelling for the express purpose of visiting is not allowed except visits made to the three holy *masjids*, which includes Masjid al-Nabawī.

Visiting Masjid al-Nabawī during the Hajj season or any other time is a *mustahabb* act. However one may wish to visit Masjid al-Nabawī after Hajj as it saves him the trip solely to visit it. This is also convenient for him. He comes to Madīnah with an intention to visit the *masjid* and not with an intention to visit the grave. This is because one must not travel to visit the grave. One is only allowed to travel except to visit the three holy *masjids*: Masjid al-Haram, Masjid al-Nabawī and Masjid al-Aqsā. This is based on the saying of the Prophet ﷺ, "No journey [to visit a *masjid*] should be undertaken except to the three *masjids*: Masjid al-Harām, my *masjid* and Masjid al-Aqsā."[594]

594 Reported by al-Bukhārī (2/76) and Muslim (4/126) from the narration of Abu Hurairah.

One must not embark on a journey to visit a grave; be they the graves of Prophets, *awliyāh* or the righteous people even though visiting a grave is Sunnah. However it is only Sunnah when there is no travel involved. This is because travelling from one place to another for the sole purpose of worship and earning the pleasure of Allah is only sanctioned for visiting the three holy *masjids*.

There is no doubt that visiting the grave of the Prophet ﷺ, the graves of his two companions and the graves of Muslims is a *mustahabb* act. However, this act must not necessitate travel. When one travels to Madīnah, he must have the intention to visit the *masjid* there. This intention incorporates the visit to the Prophet's grave, the graves of his two companions and those of others. These enter into the intention, following behind the intention to visit the *masjid*.

The *ahadīth* which relate that it is ordained for a Hajj pilgrim to visit the grave of the Prophet and to visit him are all weak. The hadīth, "Whoever performs Hajj and does not visit me has indeed shunned me"[595] and others similar to it are either weak (*da'īf*), so weak that they cannot be used as evidence or totally fabricated (*mawdūh*). This is the verdict of the *imāms* from the *huffāz* of *ahl al-hadīth*, may Allah have mercy on them.

متن **وصفةُ العمرةِ أن يُحرم بها من الميقات، أو من أدنى الحلِّ من مَكِّي ونحوه، لا من الحَرَم**

The description of 'Umrah: one enters into the state of *ihrām* at the *mīqāt* or the nearest place which is outside the Haram sanctuary for those who are residents of Makkah or thereabouts. Not within the Haram sanctuary.

After describing Hajj, the author moves onto describing 'Umrah. He says:

"The description of 'Umrah: one enters into the state of *ihrām* at the *mīqāt* or the nearest place which is outside the Haram sanctuary for those who are residents of Makkah or thereabouts. Not within the Haram sanctuary": Entering into *ihrām* for 'Umrah is similar to that of Hajj. One should pass by one of the *mīqāt* which is on his way and enter into *ihrām* there. He should not go beyond the *mīqāt* without entering into the state of *ihrām*. The Prophet ﷺ said, "These places are for the people as well as for those who come from other places, those

595 Reported by Ibn 'Adī in *al-Kāmal* (8/248), Ibn Hibbān in *al-Majrūhīn* (3/73) and Ibn al-Jawzī in *al-Mawdū'āt* (1168).

who intend to perform Hajj or 'Umrah."[596]

If he goes to Makkah to perform 'Umrah at any time and passes by one of the *mīqāt*, then it is *wājib* for him assume *ihrām* at that *mīqāt*. This is regardless if he walked there, rode an animal, drove a vehicle to get there, passed by the *mīqāt* on an airplane or crossed it from any geographical direction on earth. If so, he must assume *ihrām* at the *mīqāt* and should not go beyond the *mīqāt* without assuming *ihrām*. However, if his house is nearer to Makkah than the *mīqāt*, then his *mīqāt* will be his house as the Prophet ﷺ said, "And whoever lives closer than these [*mīqāt*], then his residence is considered as a *mīqāt*."[597] Similarly, if he had crossed the *mīqāt* not having an intention to perform 'Umrah and then wanted to perform it, he may enter into *ihrām* from where he had made the intention. This is provided that he is outside the boundary of the Haram.

The one who is a resident of Makkah or is a non-resident who is at Makkah and wants to perform 'Umrah, he should not enter into *ihrām* from within the Haram. He should leave the precinct of the Haram and then enter into *ihrām* there. When 'Aishah wanted to perform 'Umrah after her Hajj, the Prophet ﷺ requested her brother 'Abdul Rahmān to accompany her to al-Tan'īm. She then assumed *ihrām* for 'Umrah at this location. Al-Tan'īm is the nearest place outside the Haram sanctuary.

"Not within the Haram sanctuary": This is evidence that one should not enter into *ihrām* to perform 'Umrah from within Makkah; even if he is a resident of Makkah or otherwise. This is because unlike Hajj, all of the rites of 'Umrah occur within the Haram. Hajj rites occur around the Haram sanctuary and outside of it. Hence, the Hajj pilgrim is allowed to assume *ihrām* inside Makkah as he would be leaving the Haram sanctuary to perform *wuqūf* at 'Arafah.

As all the rites of 'Umrah, namely *tawāf*, *sa'ī*, shaving the head or shortening the hair, take place within the Haram, he does not have the opportunity to go outside it. Hence it is enjoined that a *muhrim* visits both the *haram* and areas outside it. For this reason, those performing *al-tamattu'* are ordered to go out-

596 Reported by al-Bukhārī (2/265) (3/21) and Muslim (4/5) from the narration of 'Abdullah ibn 'Abbās.

597 Reported by al-Bukhārī (2/172, 191-192) and Muslim (4/30-31) from the narration of 'Aishah.

side of the Haram sanctuary to assume *iḥrām* to perform their 'Umrah. This is to give them the opportunity of having been to the Haram sanctuary and the non-Haram areas whilst they are in the state of *iḥrām*.

متن

فإذا طاف وسعى وحلق أو قصَّر حَلَّ

When he performs *tawāf*, *sa'ī* and shaves his head or shortens his hair, he makes *tahalul*.

"When he performs *tawāf*, *sa'ī* and shaves his head or shortens his hair, he makes *tahalul*": The rites of 'Umrah are: Assuming *iḥrām* at the *mīqāt* or the nearest place outside the precinct of Haram if he is a resident of Makkah or its vicinity. This is followed by *tawāf*, *sa'ī* and shaving of the head or shortening of the hair. Once he makes *tawāf* and *sa'ī* between Safā and Marwah seven times with an intention to perform 'Umrah and then proceeds to shave his head or shorten his hair, he has achieved *tahalul*.

These are the rites of Umrah: *iḥrām*, *tawāf*, *sa'ī* and shaving the head or shortening the hair.

متن

وتُباح كلَّ وقتٍ، وتُجزئ عن الفَرْض

It is permissible any time and it fulfils the obligation.

"It is permissible any time": It is permissible to perform 'Umrah during the Hajj season or during other months. There is no prescribed period in the year to perform it. Hajj however is prescribed by Allah in certain months of the year: **{Hajj is [during] well-known months.}**[598] Which are Shawwāl, Dhul Q'adah and the first ten days of Dhul Hijjah.

'Umrah on the other hand, has no restriction as to when it can be performed and one may do so whenever he wishes.

"And it fulfils the obligation": When a person performs 'Umrah during the Hajj season or any other month, he is deemed to have fulfilled 'Umrah al-Islam. Every Muslim is obliged to perform Hajj at least once in his or her lifetime. It is also *wājib* for him or her to perform 'Umrah at least once in their

598 Al-Baqarah: 197

lifetime. So, when a Muslim performs 'Umrah anytime during the year, he is considered to have fulfilled 'Umrah al-Islam, notwithstanding the month in which it was performed.

متن وأركانُ الحج: الإحرامُ، والوقوفُ، وطوافُ الزيارةِ، والسَّعْي

The *arkān* of Hajj: *Ihrām*, *wuqūf*, *tawāf al-ziyārah* and *sa'ī*.

Acts of Hajj can be classified into three types: *Arkān* (acts that are pillars), *wajibāt* (mandatory acts) and *sunan* (supererogatory acts).

"*Arkān*": This is the plural of *rukn* (pillar). A *rukn* is the foundation or pillar of something.[599] Hence the *arkān* of Hajj are acts that make up Hajj. There is no Hajj without these acts. They are four:

First: "*Ihrām*": This is the intention to undertake the rites.

Second: "*Wuqūf*": I.e. at 'Arafah. This is the greatest pillar of Hajj for the Prophet ﷺ has said, "Hajj is 'Arafah."[600]

Third: "*Tawāf al-ziyārah*": Which is *tawāf al-ifādah*.

Fourth: "*Sa'ī*": Between Safā and Marwah.

These are the *arkān* that must be fulfilled in Hajj. Hajj does not exist without these acts as they are its pillars.

متن وواجباتُه: الإحرامُ من الميقاتِ المُعْتَبَرِ لـه، والوقوفُ بعرفَةَ إلى الغروب والمبيتُ لغير أهلِ السِّقايةِ والـرعايةِ بمنىً ومزدلفة إلى بعد نصف الليل، والرَّمْيُ والحِلاَقُ، والوَداع. والبَاقي سُنن

***Wajibāt*: *Ihrām* at the *mīqāt* which he is designated to traverse, *wuqūf* at 'Arafah until sunset, spending the nights at Mina except those who are *al-saqāyah* and *al-ra'āyah*, staying at Muzdalifah until midnight, *al-ramī*,**

599 See *al-Mutla'* (p. 88) and *al-Misbāh al-Munīr* (p. 324).

600 Reported by Ahmad (4/309, 335), Abu Dawūd (1949), al-Tirmidhī (889) and al-Nasā'ī (5/256) from the narration of 'Abdul Rahmān ibn Ya'mar.

shaving the head and *wadā'*. The rest of the acts are *sunan*.

"*Wājibāt*": Hajj consists of seven mandatory acts which are mentioned here:

First: "*Ihrām* at the *mīqāt* which he is designated to traverse": Which he traverses with the sole purpose of performing Hajj or 'Umrah. If he enters into *ihrām* after crossing the *mīqāt*, his *ihrām* is valid but he has failed to perform a *wājib* act of Hajj. Hence, he must offer expiation.

Second: "*Wuqūf* at 'Arafah until sunset": This applies to those who make *wuqūf* from the afternoon. It is important to distinguish between *wuqūf* and continuing the *wuqūf* until sunset. *Wuqūf* per se is a *rukn* while continuing to do so until sunset is a *wājib* act. A pilgrim who makes *wuqūf* and then leaves 'Arafah before sunset has fulfilled the *rukn*. However, he has not fulfilled the *wājib* act of staying at 'Arafah until sunset. Hence he must pay the *dumm* penalty.

Third: Spending the nights of *tashrīq* at Mina except those who are *al-saqāyah* and *al-ra'āyah*.

Fourth: "Except those who are *al-saqāyah* and *al-ra'āyah*":

"*Al-Saqāyah*": They are those people who provide Zamzam water to the pilgrims by drawing water from the well using buckets. 'Abbās ibn 'Abdul Muttalib ؓ was in-charge of this activity. They are permitted to forgo spending the nights at Muzdalifah and Mina as they need to be on the move so as to provide water for the pilgrims. Hence they are pardoned of this *wājib* act.

"*Al-ra'āyah*": They are the shepherds who herd the pilgrims' camels. They bring these camels to graze and so are pardoned from spending the nights at Muzdalifah and Mina.

Fifth: "*Al-ramī*": i.e. throwing pebbles at the pillars, at Jamrah al-Aqabah.

Sixth: "Shaving the head": Or shortening the hair. This is *wājib* for Hajj as we have explained previously.

Seventh: "*Wadā*": I.e. *tawāf al-wadā'*. This is the final *wājib* act. Once all *arkān*—*ihrām*, *wuqūf*, *tawāf* and *sa'ī*—and these seven *wājibāt* are completed,

he has fulfilled all of the rites of Hajj.

"The rest of the acts are *sunan*": All other utterances and deeds performed during Hajj besides these *arkān* and *wājibāt* are classified as *sunan*. When he does a Sunnah act, he is rewarded and if he chooses not to do it, there is no blame on him. An example would be his travel to Mina on the day of *tarwiyyah* and spending the night there. Other examples of *sunan* of Hajj are: Supplications made at 'Arafah, chanting the *talbiyah* after assuming *iḥrām*, drinking Zamzam water, offering a two *rakāt* prayer after *tawāf* and supplications made while performing *tawāf* and *sa'ī*.

متن

وأركانُ العمرة: إحرامٌ، وطوافٌ، وسعيٌ

***Arkān* of 'Umrah are: *Iḥrām*, *tawāf* and *sa'ī*.**

Having elaborated on the *arkān* and *wājibāt* of Hajj, the author moves on to explaining the *arkān* of 'Umrah.

"*Arkān* of 'Umrah are: *Iḥrām*, *tawāf* and *sa'ī*": There are three *arkān* for 'Umrah. If he does all three acts, he has completed the *arkān* of 'Umrah.

متن

وواجباتُها: الحِلاقُ، والإحرامُ من ميقاتِها

The *wājibāt* are: Shaving the head and *iḥrām* from the *mīqāt*.

There are two *wājibāt* for 'Umrah:

First: Shaving the head or shortening the hair.

Second: "*Iḥrām* from the *miqat*": That is, he must enter into the state of *iḥrām* from the *mīqāt* if he has the intention to perform 'Umrah. He may do so from any of the *mawāqīt* (plural for *mīqāt*) that the Prophet ﷺ had demarcated. If his house is nearer to Makkah than the *mawāqīt*, then he may enter into *iḥrām* from his house if he intends to perform 'Umrah. Similarly he who crosses a *mīqāt* without having an intention to perform 'Umrah but changes his mind later, he may assume *iḥrām* at the place where he made the intention to perform 'Umrah. If, however he makes the intention while in Makkah, he must go outside the boundaries of the Haram sanctuary and assume *iḥrām*.

فمن ترك الإحرامَ لم ينعقدْ نُسكَه، ومن ترك رُكناً غيره أو نيَّته لم يَتِمَّ نسكُه إلا به، ومن ترك واجباً فعليه دمٌ، أو سُنَّةً فلا شيءَ عليه — متن

Whoever leaves off the state of *ihrām* is not considered to have fulfilled the rites. Whoever does not perform another *rukn* besides it or has not made the intention, his rites are incomplete without it. Whoever fails to do a *wājib* act must pay the *dumm* penalty. Whoever misses a Sunnah act, there is no blame on him.

"Whoever leaves off the state of *ihrām* is not considered to have fulfilled the rites": The author repeats the laws pertaining to *arkān* and the *wājibāt* of Hajj and 'Umrah. Whoever leaves off the state of *ihrām* that he assumed for Hajj or 'Umrah, any act that he performs is not considered a rite. This is because he has not made the intention to enter into *ihrām*. Therefore the acts he performs as a pilgrim are worthless if done without assuming *ihrām*.

Whoever does not perform a *rukn* act of Hajj or Umrah besides *ihrām*—like he who did not make *tawāf* or *sa'ī* of Hajj or 'Umrah—then the rites remain incomplete until he performs the act which he missed out on.

However, he who fails to make *wuqūf* at 'Arafah has nullified his entire Hajj. More explanation regarding this will follow shortly.

"Whoever does not perform another *rukn* besides it or has not made the intention, his rites are incomplete without it": If he fails to perform a *rukn* act besides *wuqūf*—like he who missed out on performing *sa'ī* or *tawāf* of Hajj or 'Umrah—then his Hajj remains valid. However, he must perform the *tawāf* or *sa'i* even if it is after a period of time. He must return to Makkah and perform *tawāf al-ifādah* if he had missed performing it or perform *tawāf* for 'Umrah if it was this *tawāf* that he missed out. He must perform *sa'ī* for Hajj or 'Umrah, whichever he missed performing as he is still considered to be in the state of *ihrām* as long as these *arkān* are incomplete. He should return to perform *tawāf* and *sa'ī* for 'Umrah or Hajj even if he has embarked upon his journey.

Whoever does not perform *tawāf* or *sa'ī* of Hajj has attained the primary *tahallul*, as we have discussed earlier. However as complete *tahalul* is not yet achieved, he must keep away from having sexual relations with his wife. He must return to Makkah to perform *tawāf al-ifādah* and *sa'ī* between Safā and

Marwah provided that he is obliged to do *sa'ī*, due to him performing *al-tamattu'* or he is performing *al-qirān* or *al-ifrād* and he had not made *sa'ī* after *tawāf al-qudūm*.

Whoever performed 'Umrah and missed out on shaving his head or shortening his hair, he must clothe himself in the *ihrām* garb once he realises his omission and proceed to shave his head at any place; be it within Makkah or outside of Makkah.

Whoever performed Hajj and missed out on shaving his head or shortening his hair, he must shave his head or shorten his hair without having to wear the *ihrām* garb. This is because he had attained the primary *tahalul* earlier. Shaving of the head and shortening of the hair can be carried out at any place and is not confined to the Haram sanctuary.

"Whoever fails to do a *wājib* act must pay the *dumm* penalty": He who does not perform a *wājib* act, such as he who does not assume the *ihrām* from the *mīqāt* point when intending to perform Hajj or 'Umrah, he who does not stay at 'Arafah until sunset, he who does not stay the nights at Muzdalifah or Mina without a valid reason, he who failed to perform *al-ramī* in its prescribed time or he who failed to make *tawāf al-wadā'*, he must remedy the situation by paying the *dumm* penalty. He does this by slaughtering an animal in Makkah and distributing it to the poor people who live in the Haram sanctuary. If he is unable to do this, he has to fast for ten days.

"Whoever misses a Sunnah act, there is no blame on him": As for he who fails to do a Sunnah act of Hajj or 'Umrah, there is no blame on him. This is because Sunnah acts are rewarded when they are performed while there is no retribution if it is not performed. For example, if a pilgrim fails to go to Mina on the day of *tarwiyyah* or fails to spend the night there on that day, then it is perfectly fine as missing out on a Sunnah act of Hajj is not a sin. Similarly, if he fails to supplicate while making *wuqūf* at 'Arafah or does not chant the *talbiyah*, there is no blame on him for not doing these acts.

باب الفوات والإحصار
CHAPTER: OMISSION AND RESTRICTION

متن

من فاته الوقوفُ فاتَهُ الحجُّ وتحلَّل بعُمْرةٍ، ويقضي ويُهدي إن لم يكن اشترطَ

He who fails to make *wuqūf*, his Hajj is nullified and so he makes *tahalul* for 'Umrah. He must make up for it and offer sacrifice if he had not stipulated a clause.

"Chapter: Omission and Restriction": Omission here refers to the failure to perform *wuqūf* at 'Arafah and restriction here refers to one being hindered from reaching the House.

"He who fails to make *wuqūf*, his Hajj is nullified and so he makes *tahalul* for 'Umrah. He must make up for it and offer sacrifice if he had not stipulated a clause": Whoever assumes *ihrām* for Hajj but missed out on *wuqūf*, i.e. he was not able to reach 'Arafah before dawn of the day of sacrifice while he was a *muhrim* intending Hajj, then his Hajj is nullified for that year. He goes to the House and makes *tawāf*, *sa'ī* and shaves his head or shortens his hair. In this situation he has effectively completed an 'Umrah and can leave the state of *ihrām*. He must make up for it in the following year. He also offers an animal as sacrifice.

"If he had not stipulated a clause": Provided that he had not stipulated a clause while assuming *ihrām* by uttering the following: "*In habasanī hābisun famahillī haythu habasatanī.*" (If a hindrance were to hinder me, then my place is where You held me back.)

If a pilgrim utters the above while entering into *iḥrām*, then he may leave the state of *iḥrām* and neither needs to make up the Hajj the following year nor offer sacrifice as he had stipulated a clause.

متن ومن صدَّه عدوٌّ عن البيت أهدى ثم حَلَّ، فإن فَقَدَه صامَ عشرةَ أيامٍ ثم حَلَّ، وإن صُدَّ عن عرفةَ تحلَّل بعُمرةٍ

Whoever is barred from reaching the House by an enemy may offer a sacrifice and then make *tahalul*. If he has lost his sacrificial animal, he has to fast ten days and then makes *tahalul*. If he is prevented from reaching 'Arafah, he makes *tahalul* for 'Umrah.

"Whoever is barred from reaching the House by an enemy may offer a sacrifice and then make *tahalul*. If he has lost his sacrificial animal, he has to fast ten days and then makes *tahalul*": This is a restriction which is defined as the hindrance to a pilgrim by an enemy from reaching the House. This situation was faced by the Prophet ﷺ in the year of al-Hudaybiyah. He ﷺ along with his Companions headed towards the Ka'bah to perform 'Umrah but were hindered by the polytheists from entering Makkah. They were stopped at al-Hudaybiyah which is on the outskirts of the Haram sanctuary in the direction towards Jeddah near al-Tan'īm. This place is presently known as al-Shamīsī.

When they reached this place, the polytheists prevented them from entering Makkah even though they made several attempts to enter it. Finally, the Prophet ﷺ slaughtered his sacrificial animal and shaved his head. Doing so, he made *tahalul* and ordered his Companions to do likewise.[601]

This is proof that if a pilgrim who intended to perform Hajj or 'Umrah is barred from reaching the House and is indeed incapable of it, he may offer his sacrifice and then make *tahalul*. If he does not have an animal, he has to fast ten days and there is no blame on him.

"If he is prevented from reaching 'Arafah, he makes *tahalul* for 'Umrah": However, if he assumed *iḥrām* for Hajj and was hindered by enemies on his way to make *wuqūf* at 'Arafah, this predicament is similar to the previous one. If he missed *wuqūf* at 'Arafah, his Hajj is nullified. He must make *tahalul* for

601 Reported by al-Bukhārī (3/252-258) in the lengthy narration of the covenant of al-Hudaybiyyah narrated by al-Masūr ibn Mukhramah.

'Umrah by making *tawāf*, *sa'ī* and then shave his head or shorten his hair. He may then leave the state of *iḥrām* as this is considered an omission rather than a hindrance.

متن

وإن أَحْصَرَه مرضٌ أو ذهابُ نفقةٍ بقي مُحرماً إن لم يكن اشترط

If the hindrance is in the form of an illness or the loss of provisions, then he should remain as a *muḥrim* if he had not stipulated a clause.

"If the hindrance is in the form of an illness or the loss of provisions, then he should remain as a *muḥrim* if he had not stipulated a clause": If the hindrance is not caused by an enemy but rather an illness, due to which he is incapable of performing Hajj or 'Umrah, or the loss of provisions due to theft or loss such that he has nothing left to perform Hajj or 'Umrah with, then he must remain as a *muḥrim* until he is able to perform the pilgrimage. He must perform Hajj if he gains ability before the day of 'Arafah. He should proceed to complete all the rites of Hajj. In the event that he gains ability only after the day of 'Arafah, he must make *taḥalul* for 'Umrah as discussed earlier.

This is provided that "he had not stipulated a clause." If he had stipulated the clause, "If a hindrance were to hinder me, then my place is where You held me back," and then was afflicted with an illness or a loss of provisions, he has to make *taḥalul* only and there is no blame on him.

باب الهدي والأضحية والعقيقة
CHAPTER: AL-HADYI, AL-UDHIYYAH AND AL-'AQĪQAH

متن أفضلُها إبلٌ، ثم بقرٌ، ثم غنمٌ

The best is a camel, cow and then a sheep.

"Chapter: *Al-Hadyi*, *al-Udhiyyah* and *al-'Aqīqah*": The author proceeds to explain the three types of *qurbānī* (sacrifice):

"*Al-hadyi*": The animal that is sacrificed during Hajj or 'Umrah, for the *wājib* and the *mustahabb*.[602]

"*Al-udhiyyah*": The animal that is sacrificed on the day of 'Eid al-Adhā.[603]

"*Al-'aqīqah*": The animal that is sacrificed on the birth of a child.[604]

"The best is a camel, cow and then a sheep": The best of animals slaughtered for these three types of sacrifice in the order of merit are: a camel, a cow and then a sheep.

متن ولا يُجزئُ إلا جَذَعُ الضَّأْنِ وثني سواه؛ فالإبلُ خمسُ سنين، والبقرِ سنتانِ، والمَعْزُ سنةٌ، والضَّأْنُ نصفُها

602 See *al-Mutlā'* (p. 204) and *al-Dar al-Naqī* (1/412) (3/790).

603 Ibid.

604 See *al-Misbah al-Munīr* (p. 577).

It is not permissible to slaughter except a young sheep or a *thanī* of everything else, thus: a five-year old camel, a two-year old cow and a year old goat. A sheep may be half as young.

"It is not permissible to slaughter except a young sheep or a *thanī* of everything else, thus: a five-year old camel, a two-year old cow and a year old goat. A sheep may be half as young": It is not permissible to slaughter an animal as *hadyi*, *udāhiyah* or for *'aqīqah* except the following:

- A young sheep which is at least six-months old.

Or *thanī* from other than a sheep, which refers to the following ages of these animals:

- A goat which has reached one year of age.
- A camel which has reached five years of age.
- A cow which has reached two years of age.

متن وتجزئ الشاةُ عن واحد، والبَدَنةُ والبقرةُ عن سبْعةٍ

A single person sacrifices a sheep while a group of seven people may sacrifice a camel or a cow.

"A single person sacrifices a sheep while a group of seven people may sacrifice a camel or a cow": The sacrifice of a sheep is accepted from a single person and he is not permitted to a share with another in purchasing the sheep. Whereas the sacrifice of a cow or a camel is accepted from seven people who share it as *hadyi* or *udāhiyah.*

متن ولا تجزئُ العَوْراء والعَجْفاءُ والعَرْجاءُ والهَتْماءُ والجَدَّاءُ والمريضةُ والعَضْباءُ بل البَتْراء خِلْقةً، والجَمَّاءُ والخَصِيُّ غيرُ المجبوبِ وما بأُذُنِه أو قَرْنِه قطعُ أقل من النِّصف

It is not permissible to offer as sacrifice a one-eyed animal, a gaunt animal, a lame animal, a toothless animal, an animal with dry udders, a sick animal, a mutilated animal or a hornless and ear-less animal but not the animal which was born without ears and horns, an animal born without both ears, an animal which has had its testicles removed but its penis remains intact

nor an animal which has less than half its ear or horn clipped.

"It is not permissible to offer as sacrifice": Animals with defects and shortcomings are not permitted as sacrifice. They are:

"A one-eyed animal": *Al-'awrā'u* refers to blindness in one of its eyes.

"A gaunt animal": Without much flesh.

"A lame animal": That has a defect on one leg which causes it to limp.

"A toothless animal": Teeth having been removed from their roots.

"An animal with dry udders": I.e. as a result of old age.

"A sick animal": Where the sickness is evident. Minor illness that does not affect the flesh of the animal is inconsequential.

"A mutilated animal": I.e. with a clipped ear or horn.

"A hornless and ear-less animal": This is an animal that has lost most of its horn and ears.

"But not the animal which was born without ears and horns, an animal born without both ears, an animal which naturally does not have testicles (not the castrated animal) nor an animal which has less than half its ear or horn clipped": An animal that is born with little to no horn or ears is permissible for sacrifice.

An animal that has had its testicles removed is permitted for sacrifice as the Prophet ﷺ offered two sheep that were castrated as *udhiyyah*.[605] Perhaps the meat from a castrated animal is better than others.

It is also permissible to offer as sacrifice a sheep, goat or cow with less than half its ear or horn clipped. If its ears or horns are clipped by half or more than that,

605 Reported by Ahmad (6/220, 225), Ibn Mājah (3122) and al-Bayhaqī in *al-Sunan al-Kubrā'* (9/267) from the narration of 'Aishah.

it is not permissible to be offered as a sacrifice.

متن والسُّنَّةُ نحرُ الإبل قائمةً معقولةً يدُها اليسرى، فيطعنُها بالحَرْبة في الوَهْدَةِ التي بين أصل العُنُق والصَّدْر، ويذبحُ غيرها، ويجوز عكسُها، ويقول: بسم الله، والله أكبر، اللهم هذا منك ولك: ويتولاها صاحبُها أو يوكِّلُ مسلماً ويشهدُها

It is Sunnah to slaughter (*nahr*) the camel while it is in a standing position with her left foreleg bound. It is stabbed with a spear at the depression which lies between the base of the neck and chest. Slaughtering any other animal is called *dabh*. The opposite can also be true. He then says: "*Bismillahi, wallahu akbaru, allahumma hathā minka wa laka.*" (In the name of Allah, and Allah is the greatest. O Allah this from You and for You.) The owner may sacrifice the animal himself or get it sacrificed on his behalf while he witnesses it.

"It is Sunnah to slaughter (*nahr*) the camel": That is, slaughtering it at the *nahr* (which is the depression which lies between the base of the neck and the chest). The camel is slaughtered while it is standing, not lying down as slaughtering it in this position is much easier and the blood flows from the camel much faster.

"With her left foreleg bound": This is in accordance to Allah mentioning: **{So mention the name of Allah upon them when lined up [for sacrifice.]}**[606]

"It is stabbed with a spear at the depression which lies between the base of the neck and chest": This is the spot called *nahr* which is only found in a camel.

"Slaughtering any other animal is called *dabh*": I.e. animals like cows and sheep.

"The opposite can also be true": That is, terming the slaughter of cows and sheep as *nahr* and the slaughter of camels as *dhabh*. However the opposite is more accurate.

He then says: "*Bismillahi, wallahu akbaru, allahumma hathā minka wa laka*" (In the name of Allah and Allah is the greatest. O Allah this is from You and

606 Hajj: 36

for You): Mentioning Allah's name while sacrificing is *wājib* as per Allah's command: **{So mention the name of Allah upon them when lined up [for sacrifice.]}**[607] And the ayah: **{And do not eat of that upon which the name of Allah has not been mentioned.}**[608] As for saying "*Allahu akbar*," this is a Sunnah.

"The owner may sacrifice the animal himself or get it sacrificed on his behalf while he witnesses it": It is best that the owner does the slaughtering himself and then distributes its meat. However, if he is unable to do so or he is unable to do it properly, he may appoint another to do it on his behalf. The Prophet ﷺ slaughtered sixty-three of his sacrificial animals and appointed 'Alī ؓ to sacrifice the rest of the animals. They sacrificed a total of one hundred animals.[609] This incident proves that to slaughter one's own sacrificial animal is better. If one grows tired doing it or he has an excuse for not doing it, then he may appoint another to do the slaughtering on his behalf.

متن ووقت الذبح بعد صلاة العيد أو قَدْرَهُ إلى يومينِ بعده، ويُكْرَه في ليلتهما فإن فاتَ قَضَى واجبَه

The time for sacrifice is from after the conclusion of the 'Eid prayer or an equal time onwards until two days thereafter. Doing so during the nights of these days is disliked. If sacrifice is missed [on the aforementioned days,] then it must be made up if it was *wājib* upon him.

"The time for sacrifice is from after the conclusion of the 'Eid prayer or an equal time onwards until two days thereafter": The time for sacrifice begins after the 'Eid prayers or approximately around that time if no 'Eid prayer is conducted—in the desert areas for example—or if they are travellers (who need not attend 'Eid prayers). They may estimate the duration of 'Eid prayer, if it was actually performed, after the sun has risen to the approximate length of a lance above the horizon and then proceed to begin the sacrifice. Once the time has passed in which the prayer could be performed they proceed to perform the sacrifice.

607 Hajj: 36

608 Al-An'ām: 121

609 Reported by Muslim (4/42), Ahmad (3/331), Abu Dawūd (1905), Ibn Mājah (3074) from the narration of Jābir ibn 'Abdillah.

Hadī and *udhiyyah* is not accepted if the animal is sacrificed before 'Eid prayer as it constitutes discharging an act of worship before the entry of its designated time. Sacrifice of animals can be done throughout until the third and last day of *al-tashrīq* (which are the eleventh, twelfth and thirteenth of Dhul Hijjah).

Hence there are four days allotted for the sacrifice of *hadī* and *udhiyyah*: the day of 'Eid and the three days thereafter. This is the correct opinion even if it differs with what the author mentions.

"Doing so during the nights of these days is disliked": Sacrificing *hadī* and *udhiyyah* at night is disliked. It is *mustahabb* to do so during the day. Although disliked, sacrifice done at night is still permissible.

"If sacrifice is missed [on the aforementioned days,] then it must be made up if it was *wājib* upon him": If one missed sacrificing on the days of *tashrīq*, he may do so on other days as a deferred act (*qadā*). Supererogatory sacrifice on the other hand must not be undertaken if the designated days are missed. This is what the author means by, "If it was *wājib* upon him." There are two types of *udhiyah*. *Udhiyah* which is a will disposed towards oneself (*wasiyah*) is *wājib*. Hence it must be fulfilled as a deferred act even if the designated days are missed. However, the *udhiyah* which a Muslim performs voluntarily should not be undertaken if the designated days are missed as it is a supererogatory act.

فصـــــل
SECTION

متن

ويتعينان بقولـه: هذا هَدْيٌ أو أُضحيةٌ، لا بالنيَّة

They are specified with the words, 'This is *hadī* [i.e. the sacrifice of the pilgrim]' or 'this is *udhiyyah* [i.e. the sacrifice of the non-pilgrim].' Not just with an intention.

The author says, "They are specified": I.e. whether it is *hadi* or *udhiyyah*.

"With the words, 'This is *hadī* [i.e. the sacrifice of the pilgrim]' or 'this is *udhiyyah* [i.e. the sacrifice of the non-pilgrim]'": If one utters that it is for *hadi* or *udhiyyah*, then the sacrificial animal is specific for that particular sacrifice and has to meet the laws of it. He must then carry out the sacrifice. If he utters his intention to slaughter the animal as *hadi*, then he must sacrifice it as such and if he utters his intention to slaughter it as *udhiyyah*, then it is *wājib* for him to sacrifice it as such.

"Not just with an intention": He must specify it verbally. Doing so merely with an intention will not suffice. If he intends the animal to be sacrificed as *hadi* or *udhiyyah* without uttering it verbally, then it is deemed that he has not yet specified his intention for sacrificing the animal.

متن

وإذا تَعينتْ لم يجزْ بيعُها ولا هبتُها إلا أن يبدلَها بخيرٍ منها

Once the animal has been specified for sacrifice, it is not permissible to sell it or give it away as a gift unless it is replaced with another animal which is

better than it.

"Once the animal has been specified for sacrifice, it is not permissible to sell it or give it away as a gift unless it is replaced with another animal which is better than it": This is the advantage of specifying an animal for sacrifice. If one utters, "This sheep is for *hadi*" or, "This sheep is for *udhiyyah*", then the animal has to be set aside and slaughtering it according to the specific intention becomes *wājib*. It is not permissible for him to transfer ownership of that animal by selling it or giving it away as a gift. This is due to the fact that the animal has been endowed to Allah. This rule can only be breached in the following scenario: The owner replaces the animal that has been set aside for sacrifice with another animal better than it. Only then can he sell the former or give it away as a gift as it has been replaced with something better. Replacing it with another animal that is similar or inferior in features is not permitted.

متن **ويَجُزُّ صُوفَها ونحوه إن كان أنفعَ لها ويتصدقُ به، ولا يُعطي جازِرَها أجرتَه منها، ولا يبيعُ جلْدَها ولا شيئاً منها؛ بل ينتفع به**

It is permissible to shear the wool off the sheep if it is beneficial for it. He has to give away the wool in charity. He should not give meat from the animal to the butcher as compensation for his work. He should not sell its skin or any part of the animal either. However, he may himself benefit from it.

"It is permissible to shear the wool off the sheep if it is beneficial for it. He has to give away the wool in charity": He may benefit from the animal after intending it for sacrifice provided that there is no harm done to it. He may shear the wool off the sheep if it is beneficial for it. If doing so is harmful to it or diminishes its worth or features, then it is not permitted. If not shearing the sheep's wool is detrimental to it then he may do so. However, he must not keep the wool for himself but instead should give it away in charity. This is because the wool is a part of the sheep and hence does not belong to him.

"He should not give meat from the animal to the butcher as compensation for his work": If he hires someone to slaughter the animal on his behalf, he should not give the meat from the sacrificial animal as compensation for his work. Instead, he should pay the butcher from his wealth as the Prophet ﷺ said, "And

do not compensate the butcher with its meat."[610] This is because the meat is no longer his but now belongs to Allah. Paying wages to the butcher is *wājib* upon him. Therefore, he should not try to preserve his wealth by paying it in the form of meat from the *hadi* or *udhiyyah.*

"However, he may himself benefit from it": He must not sell the skin of the *udhiyyah* or *hadi* as it is part of the sacrificial animal and does not belong to him. However, he may himself benefit from the skin by fashioning it into a case or covering for his personal use. It should not be sold to anyone.

متن وإن تَعَيَّبَتْ ذَبَحَها وَأَجْزأتْه، إلا أن تكونَ واجبةً في ذمتِه قبل التعيين

If the animal becomes deficient while it is alive, it is permissible for him to proceed with its sacrifice. However, he is held accountable if it becomes deficient before it is specified for sacrifice.

"If the animal becomes deficient while it is alive, it is permissible for him to proceed with its sacrifice": This is another rule pertaining to his uttering, "This is a *hadi*" or "This is an *udhiyyah.*" We have seen how it is impermissible for him to sell the animal or give it away as a gift once he has uttered these words. The second rule states that if the animal becomes deficient by becoming ill, lame or any other deficiencies, then he is not required to replace this animal with another healthy animal. In fact, he may slaughter his animal even though it is deficient. This is because it happened without him having any choice in the matter and so he may sacrifice the animal in its present condition.

"However, he is held accountable if it becomes deficient before it is specified for sacrifice": If he intends to sacrifice the animal as a vow or as *hadi* meant for Hajj *al-tamattu'* or *al-qirān*, then it is *wājib* upon him to classify the sacrificial animal as deficient. Deficient animals are not allowed to be slaughtered as sacrificial animals.

610 Reported by al-Bukhārī (2/210, 211) from the narration of 'Alī ibn 'Abi Tālib who said, "The Prophet ﷺ commanded me to take charge of the sacrificed animals and ensure that none of the meat is given to the butcher who slaughtered them." This hadīth is also reported by Muslim (4/87) from the narration of 'Alī who said, "The Messenger of Allah ﷺ commanded me to take charge of the sacrificed animals and give their meat, skin and innards in charity and not to give the butchers any part of it."

متن

والأضحيةُ سُنَّةٌ

And *al-udhiyyah* is Sunnah.

"And *al-udhiyyah* is Sunnah": The classification of the rule for *udhiyyah* is that it is Sunnah *muakkadah* (strongly recommended). *Udhiyyah* is the act of sacrificing an animal to draw closer to Allah on the day of 'Eid al-Adhā and the days of *tashrīq* following the example of al-Khalīl (Ibrāhīm) ﷺ. Allah commanded him to sacrifice his son, Ismā'īl as a trial and test. When he and his son were about to carry out Allah's command with obedience, He abrogated that law (the sacrifice of Ismā'īl) and replaced it with the slaughter of a fat animal. In so doing, Ismā'īl ﷺ was spared. Ibrāhīm slaughtered the animal and thus this act became a Sunnah for all his offspring until the Day of Judgement. The Prophet ﷺ sacrificed two rams[611] as *udhiyyah* to enliven this Sunnah of Ibrāhīm ﷺ. He ordained *udhiyyah* for his nation without making it *wājib*. This act is classified as Sunnah *muakkadah* by the majority of the people of knowledge.[612]

متن

وذبحُها أفضلُ من الصدقة بثمنها

Slaughtering it is better than giving in charity its money value.

"Slaughtering it is better than giving in charity its money value": This is referring to the *udhiyyah* as it is an act that draws one closer to Allah by shedding blood [of an animal] on the occasion of 'Eid. Hence it can never be equal to giving away money as charity, even though the giving of charity is an act of obedience to Allah. Charity is encouraged year round while the sacrifice of *udhiyyah* is limited to only these days where one earns the pleasure of Allah by sacrificing the animals. He says: **{Say, "Indeed, my prayer, my rites of sacrifice, my living and my dying are for Allah, Lord of the worlds."}**[613] He, also says: **{So pray to your Lord and sacrifice [to Him alone.]}**[614]

611 Reported by al-Bukhārī (7/131) and Muslim (6/77 and 78) from the narration of Anas ibn Mālik.

612 See *Nayl al-Awtār* by al-Shawkānī (5/126).

613 Al-An'ām: 162

614 Al-Kawthar:2

Thus sacrificing *udhiyyah* is an act of obedience to Allah in these specific days and thus it is superior to charity as it does not involve slaughtering and can be done all year long. Unlike *udhiyyah*, the act of charity is not time-specific. *Udhiyyah* can be done only on certain days and so is a superior act than the giving in charity of the animals' value in cash.

متن ويسنُّ أن يأكلَ ويُهدي ويتصدق أثلاثاً، وإن أكلها إلا أوقيةً تصدَّق بها جاز، وإلا ضَمِنَها

It is Sunnah to portion the meat for eating, gifting and as charity in three equal parts. It is permissible for one to eat most of the meat and give in charity just a little. Otherwise, he has to do an allocation of meat.

"It is Sunnah to portion the meat for eating, gifting and as charity in three equal parts": It is a Sunnah for he who sacrifices an *udhiyyah* or a *hadi* to eat from the animal's meat. This is in accordance to Allah's injunction: **{And when they are [lifeless] on their sides, then eat from them and feed the needy and the beggar.}**[615] And in another ayah, He says: **{And feed the miserable and poor.}**[616]

It is *mustahabb* that he divides the meat into three equal portions. One portion to be consumed by him and his family members as was practiced by the Prophet ﷺ. He ate from the meat of his *hadi* and *udhiyyah*. The second portion is to be given as a gift to one's friends, relatives and neighbours. The third portion is to be given to the poor and needy as charity. This method is *mustahabb*.

"It is permissible for one to eat most of the meat and give in charity just a little": If he ate most of the meat and gave away but a little, then he has fulfilled the rights of charity even with the small portion of meat as it conforms to the command of Allah: **{And feed the miserable and poor.}**[617]

"Otherwise, he has to do an allocation of meat": If he consumed all of the meat, then he has to do an allocation i.e. where he buys a small amount of meat and gives it away as charity.

615 Al-Hajj: 36

616 Al-Hajj:28

617 Al-Hajj:28

متن

ويحرمُ على من يُضحِّي أن يأخذَ في العَشْرِ من شَعرِه أو بشرتِه شيئاً

It is not permitted for a person who performs an *udhiyyah* to remove hair from any part of his body during the first ten days.

"It is not permitted for a person who performs an *udhiyyah* to remove hair from any part of his body during the first ten days": He who intends to sacrifice an animal as *udhiyyah* for himself or shares it with others must not remove any hair from his body or clip any nails during the first ten days of Dhul Hijjah until such a time that he slaughters the *udhiyyah*. This is in accordance to the hadīth in *Sahīh Muslim*[618] narrated by Umm Salamah that the Prophet ﷺ said: "Whoever intends to perform *udhiyyah* should not remove any hair or clip any of his nails until he slaughters the sacrificial animal."

According to the scholars, the wisdom behind the prohibition of removing any hair from the body or the clipping of nails until the *udhiyyah* is the similarity of the one offering the *udhiyyah* to the pilgrim in the state of *ihrām*.

However, if he intends to perform *udhiyyah* for himself and intends to perform Hajj and 'Umrah as well, then he should not remove any hair or clip his nails as he enters into the state of *ihrām*. However, he may do so as he leaves the state of *ihrām* after completing the 'Umrah within the first ten days of Dhul Hijjah. Though removing hair from the body and the clipping of nails is prohibited (for one performing *udhiyyah*), he may shave or trim the hair on his head as the rites of pilgrimage demand such an action.

618 *Sahīh Muslim* (6/83, 84).

فصـــل
SECTION

متن تُسنُّ العَقيقةُ عن الغلام شاتان، وعن الجاريةِ شاةٌ، وتُذبح يومَ سابعِه، فإن فاتَ ففي أربعةَ عشرَ، فإن فاتَ ففي إحدى وعشرين

It is Sunnah to slaughter two sheep as *'aqīqah* for a boy and one sheep if it is a girl. The animals are slaughtered on the seventh day. If it is not done on that day, then the fourteenth day. If it is not done on this day, then one slaughters on the twenty first day.

"It is Sunnah ... [to perform] *'aqīqah*": This is the third act of sacrifice that draws one close to Allah. *Al-'aqīqah* is the act of slaughtering to commemorate the birth of a newborn in gratitude to Allah.[619] It is also a form of blessing for the newborn. *'Aqīqah* is classified as Sunnah *muakkadah* as well. The Prophet ﷺ performed *'aqīqah* for Hasan and Hussain ؓ.[620] He ﷺ said, "Each child is obliged with *'aqīqah*."[621] It is a *mustahabb* act in conjunction with child birth and an act of obedience to Allah. It is also an act of gratitude one shows to Allah for bestowing him the child. There is also a secret advantage. The newborn baby is blessed by this act of obedience done on his or her behalf.

"It is Sunnah to slaughter two sheep as *'aqīqah* for a boy and one sheep if it is a girl": This is the requirement in performing *'aqīqah* for the male and female child. The disparity is due to the fact that in some edicts, the female is por-

619 See *al-Darar al-Naqī* (3/792).

620 Reported by Ahmad (5/355, 361), al-Nasā'ī (7/164) from the narration of Buraidah.

621 Reported by Ahmad (5/7-8, 17), Abu Dawūd (2838), al-Tirmidhī (1522), al-Nasā'ī (7/166) and Ibn Mājah (3165) from the narration of Samrah ibn Jundub.

tioned half of that of a male. The *'aqīqah* is one of four such edicts. The other edicts are: Inheritance law, Allah says: **{The male will have the share of two females.}**[622] Pertaining to the law of indemnity, the blood money for a female is half of that for a male. A male witness is equivalent to two female witnesses. Allah says: **{And if there are not two men [available], then a man and two women from those whom you accept as witnesses.}**[623]

"The animals are slaughtered on the seventh day. If it is not done on that day, then the fourteenth day. If it is not done on this day, then one slaughters on the twenty first day": The time for slaughtering the animal for *'aqīqah* is any day after the baby is born. However, the best time to do so is on the seventh day after the birth of the child as the Prophet ﷺ ordered it on the seventh day.[624] The baby boy's hair is shaved while that of the girl is not shaved, though *'aqīqah* is performed on her behalf. If *'aqīqah* is not performed on the seventh day, then it may be performed on the fourteenth day after the birth. If it is not performed on this day, then it can be done on the third week or the twenty-first day after the birth.

متن وتنزع جُدُولاً ولا يُكسَر عظمُها، وحكمُها كالأضحية، إلا أنه لا يجزئ فيها شرك في دم

It is cut according to the body parts. Its bones should not be broken. Its laws are similar to that of *udhiyyah* except that there is no shared ownership.

"It is cut according to the body parts. Its bones should not be broken": In the hope that it bodes well for the well-being of the child. However there is no evidence for this.

"Its laws are similar to that of *udhiyyah*": The laws pertaining to *'aqīqah* are similar to that of *udhiyyah* for example a third of the meat is eaten, a third gifted and a third given away in charity. Likewise, the owner may benefit from its skin but should not sell it. Another similarity is that the butcher should not be given any part of its meat as wages for his work.

"Except that there is no shared ownership": I.e. seven people cannot share in

622 Al-Nisā: 176

623 Al-Baqarah: 282

624 Reported by Ahmad (5/7-8, 17), Abu Dawūd (2838), al-Tirmidhī (1522), al-Nasā'ī (7/166) and Ibn Mājah (3165) from the narration of Samrah ibn Jundub.

purchasing the camel or cow for sacrifice as permitted in *udhiyyah*. It is not permissible as there is no precedent for this from the Prophet ﷺ. If one decides to sacrifice a camel or a cow, then he should do so and dedicate all of its meat for *'aqīqah*. However, slaughtering a sheep is better than slaughtering a camel or a cow for that was the commandment of the Prophet ﷺ.

متن

ولا تُسنُّ الفَرَعةُ ولا العَتِيرة

It is neither Sunnah to slaughter a camel's first-born nor to perform sacrifice in the month of Rajab.

"It is neither Sunnah to slaughter a camel's first-born": In the days of ignorance, people used to slaughter a camel's first-born (*al-far'ah*) in line with their rituals. It was said that they slaughtered it for their idols in the hope of receiving blessings. The Prophet ﷺ forbade this practice.[625]

"Nor to perform sacrifice in the month of Rajab": Known as *al-'atīrah* in Arabic. There is no injunction in Islam to make a sacrifice particularly in the month of Rajab. However, this practice was a norm in the days of ignorance. They used to slaughter their animals during the first week of Rajab. The Prophet ﷺ forbade the practice of *al-'atīrah*.[626]

No form of worship is exclusive to the month of Rajab as it was not specified by the Prophet ﷺ. In fact, it is a month like the rest of the months. Special fasts and prayer should not be performed in this month exclusively. No animals should be slaughtered exclusively in the month of Rajab as well. Furthermore, one should not perform 'Umrah just because it is the month of Rajab. What is termed as 'Umrah al-Rajabiyyah is baseless as there is no evidence to substantiate it.

The Prophet ﷺ performed all of his 'Umrahs in the month of Dhul Qa'dah except 'Umrah al-Ja'rāniyyah' which was performed in the month of Shawwāl when the Prophet ﷺ arrived at Makkah from Hunayn.[627] Hence, all of

625 Reported by al-Bukhārī (7/110) and Muslim (6/82 -83) from the narration of Abu Hurairah.

626 Ibid.

627 Refer to al-Bukhārī (3/3) and Muslim. It mentions that the Prophet ﷺ performed 'Umrah four times, all in the month of Dhul Qai'dah except the 'Umrah he paired with his Hajj."

the 'Umrahs performed by the Prophet ﷺ were in the sacred months of Hajj and none were performed in Rajab. This is proof that performing any act of worship exclusively in the month of Rajab is baseless and a refutation for that which is practiced in present times by those who are deluded (*al-khurāfiyūn* i.e. extreme Sufis).

The events of Isrā and Mi'rāj should not be commemorated as is the practice of *al-khurafiyūn* in the current era. The Prophet ﷺ did not practice this. In fact, he did not even relate that these events took place in the month of Rajab. Allah and His Messenger did not reveal to us when Isrā and Mi'rāj occurred. If there was a pressing need for us to know the exact date of these events, then Allah and his Messenger would indeed have indicated it. The act of assuming the exact day and night of the occurrence of Isrā and Mi'rāj and commemorating these events as a festival is an innovation and acts that Allah did not prescribe for us. The Prophet ﷺ said, "He who performs a deed that was not commanded by us will indeed have it rejected."[628] He ﷺ also said, "Woe to you with regards to the novel things. Verily all novel things are innovated and all innovated things are astray."[629]

628 Reported by al-Bukhārī (3/241) and Muslim (5/132) from the narration of 'Aishah.

629 Reported by Ahmad (4/126), Abu Dawūd (4607), al-Tirmidhī (2676) and Ibn Mājah (42) from the narration of al-'Irbād ibn Sāriyah.

كتاب الجهاد

THE BOOK OF JIHĀD

"The Book of *Jihād*": Having discussed the pillars of Islam, namely prayer, *zakāt*, fasting, Hajj and the acts of worship pertaining to these pillars, the author now discusses about *jihād*, the ultimate act of worship. He does this to emphasise the importance of *jihād*. In fact, some scholars consider it the sixth pillar of Islam. The Prophet ﷺ said, "The head of the matter is Islam, its pillar is the prayer and its peak is *jihād* in the path of Allah."[630]

Jihād is the best supererogatory act of worship. *Jihād* is on the *fi'āl* pattern of morphology and it is derived from the word *al-juhd* or *al-jahd*. It means "the struggle for the sake of worship."[631] Here, it refers to the struggle to wage war against the disbelievers.

Jihād has many categories. *Jihād* of the inner-self is performed by coercing the soul to be obedient to Allah. It involves restraining the self from things prohibited by Allah. This is *jihād al-nafs*. This form of *jihād* is done continuously and lasts as long as the servant of Allah lives.

The second type of *jihād* is *jihād al-shaytān*. One performs this type of *jihād* when he transgresses the wishes of Shaytān, opposes his commands and performs acts that he wants shunned. This is because he is the enemy of mankind who yearns for the destruction of man. So, mankind must wage war against him and go against his commands for goodness lies in contradicting Shaytān

---

630 Reported by Ahmad (5/231, 237-238) and al-Tirmidhī (2616) from the narration of Mu'ādh.

631 See *al-Dar al-Naqī* (3/765-766).

after one overcomes his own soul and vain desires.

The third type of *jihād* is *jihād* waged against the hypocrites (*munāfiqūn*) and the immoral people (*fusāq*). It is done by enjoining righteousness and forbidding evil, and by rebuttals to the articles and ideologies of the corrupt and those who are deviated. These people spread their ideology by distorting the laws of Islam and belittling Islam and its followers. It is imperative to rebut them through use of speech and the pen.

The fourth type of *jihād* is the *jihād* waged against the disbelievers. This is [...] preceded by inviting them towards Allah and by preaching to them about Islam. If they accept it, then *alhamdulillah*. If after Islam was propagated to them they reject it, then *jihād* is performed against them to cease the *fitnah* perpetrated by them and to protect the Muslims from their evil. *Jihād* is also waged against them so as to make worship exclusive to Allah alone for He has no partners—this being the objective for the creation of mankind, for prophets being sent to the people and for the revelation of books from Allah. He, the Most High, says: **{And fight them until there is no *fitnah* and [until] the religion, all of it, is for Allah. And if they cease - then indeed, Allah is Seeing of what they do.}**[632] He also says: **{Fight those who do not believe in Allah or in the Last Day and who do not consider unlawful what Allah and His Messenger have made unlawful and who do not adopt the religion of truth from those who were given the Scripture - [fight] until they give the *jizyah* willingly while they are humbled.}**[633] This is because Allah created the creation to worship Him alone and not ascribe partners to Him. Allah says: **{And I did not create the *jinn* and mankind except to worship Me. I do not want from them any provision, nor do I want them to feed Me. Indeed, it is Allah who is the [continual] Provider, the firm possessor of strength.}**[634]

Worship is not permitted to anyone else except Allah alone. He who worships other than Allah has committed *shirk* and ascribed partners with Allah and has taken a Lord other than Him. A war is waged against those who commit this until they accede to the worship of Allah. [...] This is because they [are in transgression] whilst they associate partners with Allah and spread *shirk* in the land. This is the wisdom for the legislation to undertake *jihād*.

632 Al-Anfāl:39

633 Al-Tawbah: 29

634 Al-Dhāriyāt: 56-58

It is not the function of *jihād* to conquer countries, attain kingship or to seize wealth. *Jihād* was legislated to raise the word of Allah and to uphold the worship of Allah alone, for He has no partners. Man is the servant of Allah, Who created them and gave them sustenance such that they will worship Him. He who does not abide even after the evidence is produced shall be fought: **{Fight them until there is no [more] *fitnah* and [until] worship is [acknowledged to be] for Allah.}**[635]

Allah says: **{Then fight the polytheists wherever you find them.}**[636]

These people are described as those who associate partners with Allah (*mushrikīn*). This is the reason for the command to fight them. This type of *jihād* is offensive i.e. to initiate the war against the disbelievers.

Defensive *jihād* on the other hand comes about when the Muslims are weak and they do not have the capacity to wage an offensive attack. Hence they engage in defensive war. However, if they are strong and have the capacity to wage war, then they must engage in an offensive war against the disbelievers to raise the word of Allah. This way, the oneness of Allah becomes manifest in the world. The Most High says: **{It is He who sent His Messenger with guidance and the religion of truth to manifest it over all religion, although those who associate others with Allah dislike it.}**[637]

The deviated and ignorant authors write that, "There is no waging of war in Islam for it is not an aggressive religion. In fact, it is a religion that advocates only peace. It enjoins peace among people who are left to do as they please." This is a fabrication against Islam. Islam is the truth and everything else is falsehood. Therefore the truth must be established and falsehood eradicated. This cannot be achieved except by inviting people towards Allah, followed by *jihād* in the path of Allah.

Yes, Islam is a not a religion which allows unjust suppression and oppression. *Jihād*, however, is not suppression nor is it oppression. It is in fact undertaken for the well-being of mankind. *Shirk* is averted and they enter Islam which is the source of wellness. *Jihād* is also undertaken so that they are freed from the

635 Al-Baqarah: 193

636 Al-Tawbah: 5

637 Al-Saf: 9

darkness and brought to the light, freed from the worship of Shaytān, tyrants and false deities to the worship of Allah, Who created them. This is the objective of *jihād* in the path of Allah and it is a great and lofty objective indeed.

The eminent scholar, Ibn al-Qayyim mentioned in *Zād al-Ma'ād*[638] that there were levels designated for *jihād* or that it went through stages:

<u>First Stage</u>: When *jihād* was prohibited. This was true when the Muslims were living in Makkah. They were too weak to fight against their enemies. They were commanded to the establishment of the prayer and the worship of Allah. They were told to restrain themselves as undertaking *jihād* in their condition would have brought about certain defeat. It would have brought them only harm for they were incapable of waging war while they were residing amongst disbelievers who were powerful and had great strength. The Muslims had to restrain themselves and concentrate on worshipping Allah. They invited people to Allah with wisdom and gentle reminders. Initially, they were prohibited from engaging in *jihād* while they were in Makkah. They neither had a country of their own nor did they possess strength and authority. Allah says: **{Have you not seen those who were told, "Restrain your hands [from fighting] and establish prayer and give *zakāt*"?}**[639]

This was the first stage and it was at the advent of Islam.

<u>Second Stage</u>: When the Prophet ﷺ migrated to Madīnah, he was given permission to wage war but was not commanded to do so. Allah says: **{Permission [to fight] has been given to those who are being fought, because they were wronged. And indeed, Allah is competent to give them victory. [They are] those who have been evicted from their homes without right - only because they say, "Our Lord is Allah."}**[640] So permission was given and it was no longer forbidden.

<u>Third Stage</u>: The Prophet ﷺ was commanded to fight only those who fought the Muslims: **{Fight in the way of Allah those who fight you but do not transgress. Indeed. Allah does not like transgressors.}**[641] Defensive *jihād*

638 See *Zād al-Ma'ād* (3/71).

639 Al-Nisā: 77

640 Al-Hajj: 39-40

641 Al-Baqarah: 190

was legislated at this stage as the Muslims did not have the ability to wage an offensive war. So they restrained themselves unless war was waged against them.

Fourth Stage: The Muslims became powerful and had their own country wherein they sought protection. This was the land of Hijrah—a state of their own helmed by the Messenger of Allah ﷺ. They were then commanded to wage wars at their discretion: **{Fighting has been enjoined upon you while it is hateful to you. But perhaps you hate a thing and it is good for you; and perhaps you love a thing and it is bad for you.}**[642] **{Then fight the polytheists wherever you find them and capture them and besiege them and sit in wait for them at every place of ambush. But if they should repent, establish prayer, and give *zakāt*, let them [go] on their way. Indeed, Allah is Forgiving and Merciful.}**[643]

They were commanded to wage an offensive war against the disbelievers. The Prophet ﷺ said, "Battle in the path of Allah. Fight those who disbelieve in Allah."[644] He ﷺ also said, "He who dies without having fought in the cause of Allah or without having thought of doing so, will die with one characteristic of hypocrisy in him."[645]

Islam was spread by the sword with regards to those who rejected and refused to accept Islam. They [are treated sternly] for they chose to become worshippers of others besides Allah and the worshippers of Shaytān. They [are treated sternly] for they will propagate their evil and disbelief. They might even hinder others from the path of Allah and avert people from embracing the *dīn* of Allah. This is especially true if they are people with authority: **{Then fight the leaders of disbelief, for indeed, there are no oaths [sacred] to them; [fight them that] they might cease.}**[646]

Islam is [stern] with regards to those who denied the truth after the evidence was produced to them and they repelled people from the path of Allah: **{Indeed those who disbelieve spend their wealth to avert people from the way**

642 Al-Baqarah: 216

643 Al-Tawbah: 5

644 Reported by Muslim (5/139-140) from the narration of Buraydah.

645 Reported by Muslim (6/49) from the narration of Abu Hurairah.

646 Al-Tawbah: 12

of Allah.}[647] A disbeliever will not be satisfied with just his disbelief. He will wish that all the people of the world should disbelieve like him. He will neither hesitate to spend his wealth nor wage battle to achieve this goal. In the present time, Christian evangelists actively propagate their ideology in the world which has resulted in Muslims abandoning *jihād*. It is said that Islam is neither a strong religion nor is it a religion of the sword. By this they mean that Islam is a feeble religion and a submissive one. Islam is not a false religion that can be silenced. Islam is the *dīn* of truth. In fact, it is the only *dīn* in the world. There is no *dīn* other than Islam: **{Indeed, the religion in the sight of Allah is Islam.}**[648] Allah says: **{And whoever desires other than Islam as religion - never will it be accepted from him, and he, in the Hereafter, will be among the losers.}**[649]

A poet said:

The chosen one invited for a year in Makkah but none accepted,

While he was soft in his actions and words,

But when he invited with the sword held firmly in his hand,

They became Muslims, accepted and recognised him.

Another poet said:

It is nothing but the revelation or the sharpness of the sword,

To straighten the veins of the bent one with its blade,

For this is the cure of the hearts who were blinded,

Whilst that is for the crooked one amongst the ignorant.

More potent than these poems are the words of Allah: **{We have already sent Our messengers with clear evidences and sent down with them the Scripture and the balance that the people may maintain [their affairs] in justice. And We sent down iron, wherein is great military might and benefits for the people, and so that Allah may make evident those who support Him**

647 Al-Anfāl: 36

648 Ālī 'Imrān: 19

649 Ālī 'Imrān: 85

and His messengers unseen.}[650] The scripture and the balance are for those who want the truth and accept guidance. The iron is for those who refuse and are boastful.

Islam is a *dīn* of power and honour. It is a religion of *jihād*. Praise be to Allah. It enjoins *jihād* with truth for the truth. It does not enjoin *jihād* to transgress, oppress and subjugate people. Instead, it is an esteemed *jihād* that elevates the people and frees them from darkness and shows them the light.

متن

وهو فرضُ كفايةٍ

It is *fard al-kifayah*.

"It is *fard al-kifayah*": *Jihād* in essence is a communal obligation.[651] That is, if sufficient people undertake *jihād*, then the rest are spared of its obligation and it is not a sin if they forgo it. It is considered to be Sunnah upon them. The objective is to accomplish the act without focusing on who performs it. If *jihād* in the path of Allah is undertaken in accordance to its criteria, then the sin of non-compliance is removed from the nation at large. The deed was carried out by some and as a result the rest of the people were freed of the obligation. For these people, the deed is classified as Sunnah *muakkadah* and a Sunnah deed is from the best of all good deeds.

متن

ويجبُ إذا حَضَرَهُ أو حَضَرَ بلدَه عدوٌّ أو استنفرَهُ الإمامُ

***Jihād* is *wājib* if he is faced with it, when his country is laid siege by the enemy or when the leader orders him to go forth.**

"*Jihād* is *wājib*": In these three scenarios:

First scenario: "If he is faced with it": He is faced with *jihād* while he has the ability to fight in a battle. Hence, it is *wājib* for him to participate in the *jihād*. It is not permissible for him to avoid the battlefield or to stay away from the battle. Allah says: **{O you who have believed, when you meet those who disbelieve advancing [for battle], do not turn to them your backs [in flight]. And whoever turns his back to them on such a day, unless swerving [as a**

650 Al-Hadīd: 25

651 See *al-Mughnī* (6/13).

strategy] for war or joining [another] company has certainly returned with anger [upon him] from Allah, and his refuge is Hell - and wretched is the destination.}[652]

This is known as *al-firār min al-zahf* or fleeing from the battlefield. The Prophet ﷺ classified this act as one of the seven gravest sins.[653] If *jihād* is called while one has the ability to fight, then he has no other choice but to take part in the fighting. If he flees from the battlefield, then he has committed one of the gravest sins in Islam.

Second scenario: "When his country is laid siege by the enemy": It is *wājib* upon all those who are able to fight to participate in the *jihād* so as to defend the honour, the land and the *dīn* of the Muslims. It is an obligation on all those who are able to carry arms to fight against the enemy to defend their country.

Third scenario: "Or when the leader orders him to go forth": If the leader orders him to partake in *jihād*, then it is *wājib* for him to follow the orders if he is able to fight. The Prophet ﷺ said: "If you are ordered to go forth, then go forth."[654] Allah says: **{O you who have believed, what is [the matter] with you that, when you are told to go forth in the cause of Allah, you adhere heavily to the earth? Are you satisfied with the life of this world rather than the Hereafter? But what is the enjoyment of worldly life compared to the Hereafter except a [very] little. If you do not go forth, He will punish you with a painful punishment and will replace you with another people, and you will not harm Him at all.}**[655]

If the leader of the Muslims commands him to partake in *jihād* while he has the ability to do so, then it becomes *wājib* upon him to go forth to partake in *jihād* for the sake of Allah. These are the three scenarios in which *jihād* is obligatory—that is, upon all those who are able and fit.

652 Al-Anfāl: 15-16

653 Reported by al-Bukhārī (4/12), (8/217-218) and Muslim (1/64) from the narration of Abu Hurairah.

654 Reported by al-Bukhārī (3/18), (4/17-18, 28, 92, 127) and Muslim (4/109) from the narration of Ibn 'Abbās.

655 Al-Tawbah: 38-39

متن

وتمامُ الرِّباط أربعونَ ليلةً

The longest period for *ribāt* is forty days.

"The longest period for *ribāt*": *Ribāt* is a place which is vulnerable to enemy attacks.[656] The Muslims must put guards there to secure it so that any surprise attacks will not be mounted by the enemy. It has to be guarded so that the enemy cannot enter the Muslim land via that vulnerable area. Those who stand guard at this dangerous zone are accorded great merit. The act of guarding is known as *ribāt*. The Prophet ﷺ said, "*Ribāt* in the path of Allah for a day is better than what this world contains and whatever there is within it."[657] The shortest period for *ribāt* can be a brief moment, even an hour.

"Forty days": The longest period for *ribāt* in the path of Allah is forty days and *ribāt* requires the person to be present or stay in the dangerous area where infiltration of the enemy is feared.

متن

وإذا كان أبواه مسلمَيْن لم يجاهدْ تطوعاً إلا بإذنهما

If his parents are Muslims, then he is not to participate in supererogatory *jihād* without their permission.

"If his parents are Muslims, then he is not to participate in supererogatory *jihād* without their permission": If his parents do not want him to participate in *jihād*, for instance if his father deters him from participating in *jihād*, then we have to scrutinize if the *jihād* is supererogatory, i.e. if it is only a communal obligation. If it is not an individual obligation (*fard 'ayn*), then he must not partake in this *jihād* unless he has both of his parent's permission. This is because obeying them is obligatory whereas *jihād* in this instance is optional and it is not permissible to leave an obligatory deed to accomplish a supererogatory deed. In a hadīth, the Prophet ﷺ advised the man who had both parents to, "Make *jihād* in both of them."[658] This man had hopes of participating in *jihād* in the way of Allah. The Prophet ﷺ asked him: "Are your parents alive?" To which he replied, "Yes." So the Prophet said, "Make *jihād* in both of them."

656 See *al-Dar al-Naqī* (3/767).

657 Reported by al-Bukhārī (4/43), Ahmad (5/339) and al-Tirmidhī (1664) from the narration of Sahl ibn Sa'd.

658 Reported by al-Bukhārī (4/71) and Muslim (8/3) from the narration of 'Abdullah ibn 'Amr.

One's duty to his parents is second only to the duties one discharges to Allah. Hence, supererogatory *jihād* should not be given priority over one's duties towards his parents. However, if *jihād* is *fard 'ayn* (obligation on all individuals) as in the three scenarios discussed earlier, then he must not obey his parents if they deter him from *jihād*. Just as they cannot prevent him from performing his prayers, giving *zakāt*, fasting in the month of Ramadān and performing the obligatory Hajj, they cannot prevent him from partaking in *jihād* which is *fard 'ayn*. This type of *jihād* is similar to the rest of the obligatory acts of worship. None can deter a person from these obligatory acts. In fact it is *wājib* for him to carry it out.

متن ويتفقد الإمامُ جيشَه عند المَسيرِ، ويمنعُ المُخَذِّلَ والمرجِفَ

The leader should inspect his troops during a march past. He must disallow the provocateurs and those who spread rumours.

"The leader should inspect his troops during a march past": I.e. the leader of the Muslims. The command to wage *jihād*, preparation for it and planning battle strategies are all the purview of the leader (*imām*). None should partake in *jihād* without the permission of the *imām*. It is the *imām's* duty to inspect the troops after he calls for *jihād* and gathers the army. He does this during a march past as the Prophet ﷺ used to do so and would say, "Fight in the way of Allah." He would also add, "In the name of Allah, fight in the way of Allah, fight those who disbelieve in Allah but kill not a child. Do not mutilate and do not break a pledge."[659]

The Prophet ﷺ used to advise his generals and those who were around him. He would order them to fear Allah and would explain to them the battle strategy. He would detail exact orders to each general that the latter had to achieve along with his troops. Hence the *imām* must appoint a commander-in-chief for the army, choosing the one most knowledgeable in the art of war and he who has the best organisational skills.

"He must disallow the provocateurs and those who spread rumours": When the troops led by the general perform the march past, the *imām* should inspect the troops personally even though he appointed a commander-in-chief. He

659 Reported by Muslim (5/139), Abu Dawūd (2612), al-Tirmidhī (1408) and Ibn Mājah (2858) from the narration of Buraydah ibn al-Hasīb.

must exclude those who are unfit to join the army and give assurance to those he sees fit to do battle. He must exclude the provocateurs who urge people to desert the *jihād* and who try to weaken their resolve by frightening them. The *imām* must prevent these men from joining the Muslim army. Those who spread false rumours should also be excluded. They scare their fellow soldiers by telling tales that exaggerate the enemy's capability. They say things such as, "You do not stand a chance against the enemy. They are very strong and are expert fighters. They have better weapons [etc.]" They spread these false rumours amongst the soldiers in order to terrify them and weaken their determination. These types of individual are considered to be agitators. When mentioning about the hypocrites, Allah says: **{Had they gone forth with you, they would not have increased you except in confusion, and they would have been active amongst you, seeking [to cause] you *fitnah*. And among you are avid listeners to them. And Allah is Knowing of the wrongdoers.}**[660]

The provocateur and the rumour-monger should not be allowed to join the Muslim army for they will weaken the army by defeating the minds of the soldiers even before the battle with the enemy commences. Therefore, it is imperative that these two types of people are prevented from joining the *mujāhidīn*.

متن

وله أن يُنَفِّلَ في بدايته الرُّبعَ بعد الخُمس، وفي الرجعة الثُّلثَ بعده

He may reward the soldiers from a quarter of the war booty after initially setting aside one fifth of it. After the battle, a third of it can be given as reward (after the one fifth).

"He may reward the soldiers": *Al-nafl* is the act of rewarding the soldiers who were exemplary and had shown bravery during the battle from the war booty.[661] The *imām* may reward him by increasing his share of the war booty as a form of encouragement. This is the sole prerogative of the *imām*.

"From a quarter of the war booty after initially setting aside one fifth of it": When the army is about to leave the battlefield, the reward of *al-nafl* is given. After a fifth of the war booty is set aside, a fourth of the remainder is awarded to those who are deserving of it. It is *wājib* to set aside a fifth of the war booty initially for Allah, His Messenger, the orphans and the stranded traveller:

660 Al-Tawbah: 47

661 See *Lisān al-'Arab* (11/671).

{And know that anything you obtain of war booty - then indeed, for Allah is one fifth of it and for the Messenger and for [his] near relatives and the orphans, the needy, and the [stranded] traveller.}[662]

What remains is four fifths of the war booty. *Al-nafl* is awarded to those deserving from this remainder. After the one fifth is set aside and *al-nafl* is awarded, the remainder of the war booty is divided amongst the soldiers. The foot soldier receives one share whilst the horseman receives three shares—one share for him and two shares for his horse.

"After the battle, a third of it can be given as reward": The *imām* may choose to reward those who are deserving after the army returns from the battlefield. *Al-nafl* is awarded to those who displayed exemplary strength and bravery during the battle. They are given a third of the war booty. This is a more handsome reward as compared to that which is given before the battle begins as the return from the battlefield is more terrifying in comparison. The *imām* sets aside the one fifth before awarding *al-nafl* to the soldiers who are the most deserving.

متن

ويلزمُ الجيشَ طاعتُه والصبرُ معه

It is incumbent upon the army to obey him and to be patient with him.

"It is incumbent upon the army to obey him": This includes the *imām* and the commander-in-chief who was appointed by the *imām*, for he is the *imām's* deputy. Therefore, they must obey him too. The Prophet ﷺ said, "He who obeys the *amīr* has indeed obeyed me and he who has disobeyed the *amīr* has disobeyed me."[663] Allah says: **{O you who have believed, obey Allah and obey the Messenger and those in authority among you.}**[664]

"And to be patient with him": The army must bear with the commander-in-chief while in the battlefield and bear with patience the difficulties that they face whilst engaged in battle. They surely will face difficulties in *jihād*—the journey, thirst, hunger, exhaustion and the fighting. The army must be patient with all these difficulties for these are the elements of *jihād*. Those engaging in *jihād* will face dangerous, tiring and difficult situations so they must endure all of it.

662 Al-Anfāl:41

663 Reported by al-Bukhārī (4/60) and Muslim (6/13) from the narration of Abu Hurairah.

664 Al-Nisā: 59

He who does not have patience will not be able to undertake *jihād*.

متن ولا يجوز الغزوُ إلا بإذنه، إلا أن يَفْجَأَهم عدوٌ يخافون كَلَبَهُ

It is not permissible to wage war without his permission unless they are surprised by an attack from the enemy and they fear the worst.

"It is not permissible to wage war without his permission": As was discussed earlier. Waging a war is the prerogative of the *imām*. Hence, Muslims should not start a war against the disbelievers without the permission of the *imām*. Doing so is tantamount to *khurūj* (treason) and causing him harm.

"Unless they are surprised by an attack from the enemy and they fear the worst": Due to it being so sudden, they are unable to either seek advice or permission from the *imām*. If they delay fighting the enemy so that permission is sought, the enemy forces would overpower them. Hence, it is imperative that they engage the enemy in battle even if the *imām* had not permitted them to do so. In a situation where they are suddenly attacked by the enemy and the Muslims fear for their lives, they must defend themselves from the enemy's harm. Permission from the *imām* is not sought for battle as this is a special case.

متن وتُملك الغنيمةُ بالاستيلاء عليها في دار الحرب

The war booty is taken possession of from the enemy lands.

That which the Muslims seize from the enemy is of two types:

First type: Transferable assets like *dirhams*, *dinārs*, goods, horses, camels, goats and all other valuables that can be transferred that the Muslims possess when they wage war with the disbelievers.

Second type: Fixed assets like land, houses and farms.

The first type is known as *al-ghanīmah* and the second type is known as *al-fay'an*. More will be discussed regarding this at a later point.

"The war booty is taken possession of from the enemy lands": *Al-ghanīmah*

is that which the Muslims seize from the disbeliever's wealth during a war or during a battle. Allah says: **{And know that anything you obtain of war booty - then indeed, for Allah is one fifth of it and for the Messenger and for [his] near relatives and the orphans, the needy, and the [stranded] traveller.}**[665] He also says: **{So consume what you have taken of war booty [as being] lawful and good.}**[666] War booty is the purest of earnings as mentioned by Allah in the above ayah. This is because it came into possession by way of *jihād* in the way of Allah.

متن

وهي لمن شهد الوقعةَ من أهل القتال

It is meant for the fighters who witnessed the battle.

"It is meant for the fighters who witnessed the battle": The war booty is for those who witnessed the battle between the Muslims and the disbelievers regardless whether they engaged in combat or not. This is because they had supported those who engaged in combat. Those who did not witness the battle are not entitled to the *ghanīmah* but can have a share of *al-fay'an*. We shall discuss about this in detail soon.

متن

فيُخرجُ الخُمُس، ثم يَقسم باقِي الغنيمةِ: للراجلِ سهمٌ، وللفارس ثلاثةٌ: سهمٌ له وسهمان لفرسِه، ويشارك الجيشُ سراياه فيما غنمتْ، ويشاركونه فيما غَنِمَ

The one fifth is set aside and the rest of the *ghanīmah* is distributed: one share for the foot soldier and three shares for the horseman—a share for him and two shares for his horse. The scout party has a share in the army's war booty and vice versa.

"The one fifth is set aside": The first portion that the *imām* sets aside from the *ghanīmah* is the one fifth. This is for Allah, His Messenger and those who Allah mentions alongside them. The share for Allah and His Messenger is for the sole benefit of the Muslims. It is known as "*khumusa al-khumus*".

"And the rest of the *ghanīmah* is distributed: one share for the foot soldier and three shares for the horseman—a share for him and two shares for his

665 Al-Anfāl: 41

666 Al-Anfāl: 69

horse": The remaining four fifths are to be divided amongst the soldiers. Each foot soldier receives one share whilst each horseman receives three shares; one share for him and two shares for his horse.

"The scout party has a share in the army's war booty and vice versa": The army comprises mostly of soldiers. The scout party is a special platoon that carries out important tasks related to warfare. They are a unit of the army and the army backs them up. If the scout party gains *ghanīmah* whilst the army does not, it is shared with the army as the army lends support to the special units whenever necessary. Inversely, if the army gains *ghanīmah* in the absence of the special units, it is shared with the special units likewise as they are a division of the army.

متن والغالُّ من الغنيمـة يُحـرقُ رَحْلُهُ كلُّه، إلا السلاحَ والمصحفَ وما فيه روحٌ

The *ghāl* who steals from the *ghanīmah* will have his possessions burnt entirely except weapons, the Qur'ān and any living things.

"The *ghāl* who steals from the *ghanīmah*": *Al-ghāl* refers to a person who steals from the *ghanīmah* before it is distributed. It is one of the gravest sins as Allah says: **{It is not [attributable] to any prophet that he would act unfaithfully [in regard to war booty]. And whoever betrays, [taking unlawfully], will come with what he took on the Day of Resurrection. Then will every soul be [fully] compensated for what it earned, and they will not be wronged.}**[667]

The Prophet ﷺ informed that he who steals anything from the *ghanīmah* will come on the Day of Judgement with a sheep, a cow, a camel or another heavy thing on his neck[668] as a form of humiliation, "And whoever betrays, [taking unlawfully], will come with what he took on the Day of Resurrection." It is an obligation to gather the *ghanīmah* and nothing of it should be taken before the distribution takes place. He may only receive that which he is entitled to as prescribed by Allah.

667 Āli 'Imrān: 161

668 Reported by al-Bukhārī (9/36, 95) and Muslim (6/11, 12) from the narration of Abu Humayd al-Sā'adi with the words, "By Allah, not anyone of you takes a thing unlawfully but he will meet Allah on the Day of Resurrection, carrying that thing. I do want any of you to meet Allah carrying a vocal camel, cow or sheep..."

Al-ghāl also refers to officials who take money without permission from the authorities and to those who receive gifts in a professional capacity whilst collecting charity on behalf of the state. The Prophet ﷺ said, "Gifts received by the officials is *ghulūl*."[669] Anything taken by the official from the state treasury without prior approval from the *imām* and which does not constitute as part of his salary is considered as *al-ghulūl*. May Allah protect us from it. This person shall come on the Day of Judgement carrying it on his back. When one misappropriates items or money from the *ghanīmah* his misdeed is announced to everyone publicly.

"Will have his possessions burnt entirely": This is the punishment meted out in terms of finance.

"Except weapons": As the Muslims may need his weapon so that it can be used to fight the disbelievers in wartime. Destroying the weapon is a waste of resources.

"The Qur'ān": I.e. the *mus-haf*. If he is in possession of one, it must be removed from him and should not be burnt as it is the word of Allah.

"And any living things": Sheep, birds or any other type of animal in his possession should not be burnt. The Prophet ﷺ said, "None should torment with fire except the Lord of the fire."[670] Anything which has a soul should not be burnt. It should be removed from the rest of his possessions while the rest is burnt in view of the whole army. This is done as a form of humiliation for this act and to announce to everyone his misdeed.

متن **وإذا غَنِموا أرضاً فتحوها بالسيف خُيِّرَ الإمامُ بين قَسْمِها ووقْفِها على المسلمين، ويَضْرِبُ عليها خَراجاً مستمراً يؤخذُ ممن هي بيدِه، والمَرْجعُ في الخَراجِ والجزيةِ إلى اجتهادِ الإمام**

If the Muslim army captures a land in battle, the *imām* may choose to divide it or to set it aside as *waqf* for the Muslims. A land tax is imposed for perpetuity which shall be received by those maintaining the land. Setting the rate for the land tax (*al-kharāj*) and head tax (*al-jizyah*) is at the discretion

669 Reported by Ahmad (5/424-425) and al-Bayhaqī in *al-Sunan al-Kubrā* (10/138) from the narration of Abu Humayd al-Sā'adi.

670 Reported by Ahmad (3/494) and Abu Dawūd (2673) from the narration of Hamzah al-Aslamī.

of the *imām*.

"If the Muslim army captures a land in battle, the *imām* may choose to divide it or to set it aside as *waqf* for the Muslims. A land tax is imposed for perpetuity which shall be received by those maintaining the land": This is the elaboration of *al-fay'an* and it is of two types:

First type: The land of the disbelievers that is possessed by the Muslims for example habitable and agricultural land or a country conquered by the Muslims through the use of force. That is, they occupied it by waging *jihād*. The *imām* has the option of classifying it as *ghanīmah* and dividing it amongst those who seized it, or he may designate it as *waqf* (endowment) land for the Muslims. He will charge a tax on the land by leasing it out on a yearly basis. Those who are charged with the welfare of the Muslims shall receive the money. This property is known as taxable land. When 'Umar ﷺ conquered Shām, Egypt and Iraq, he rendered it as *waqf* and imposed tax upon these lands with the state treasury as the beneficiary. The state treasury used this wealth on the welfare of the Muslims.

Al-kharāj is the lease on land seized as *ghanīmah* if it is designated by the *imām* as *waqf*. The lease shall be on a yearly basis.[671]

Jiziyah on the other hand is the head tax imposed on non-Muslims who live under the protection of the Muslim state (*ahl al-dhimmati*) from among the Majūs (fire-worshippers), Christians and Jews.[672] This head tax is in lieu of the protection they receive and their residence in Muslim land even as they retain their faith.

"Setting the rate for the land tax (*al-kharāj*) and head tax (*al-jizyah*) is at the discretion of the *imām*": This is because there is no evidence from the tradition of the Messenger of Allah ﷺ. Wherever there is no evidence found in Islamic legislation, the *imām* shall exercise his discretion (*ijtihād*).

متن ومن عجز عن عَمارةِ أَرْضه أُجْبر على إجارتها، أو رفعِ يده عنها، ويجري فيها الميراث

He who is unable to tend his land should advertise that it is for lease or he

671 See *al-Mutla'* (p. 218).

672 See the earlier reference.

should give it up. This land can be inherited.

"He who is unable to tend his land should advertise that it is for lease": If he took a piece of land which has *al-kharāj* imposed upon it and he is unable to tend to his land but has been paying the land tax, he should advertise that it is for lease and give to someone who is able to tend to it. However he may keep the lease for himself as he is one with the right to benefit from it, whilst ensuring the payment of the land tax due upon it.

"Or he should give it up": As in returning it to the state by terminating his contract so that the lease may be awarded to others who are able to tend to the land. The land should not be held by those who cannot maintain it as this will be a wastage of resources and a loss to the Muslims.

"This land can be inherited": Those who lease the land of *al-kharāj* should pay the lease diligently every year. In doing so, he may benefit from the land until the contract expires. If he dies before that, the land is inherited by his family members who replace him as the lessees. It becomes their responsibility to pay the lease as did the deceased.

متن وما أُخِذَ من مالِ مشركٍ كجزيةٍ وخراجٍ وعُشر وما تركوه فزعاً، وخمس خمس الغنيمة ففيءٌ، يُصرَف في مصالح المسلمين

Whatever wealth that is seized from the polytheist as *jizyah* or *kharāj* and *'ushr*, abandoned property, *khumusu khumus* of *ghanīmah*. *Fay'an* is to be spent on the welfare of the Muslims.

<u>Second type</u>: Wealth from *al-fay'an*.

This is the wealth of the disbelievers that is seized during a war.[673] *Al-fay* means return. It is so named because the wealth of the world in essence belongs to the Muslims as the world was created for them. The disbelievers only own it temporarily. If the Muslims wage war against the disbelievers and seize their wealth, then it has returned to its rightful owners.

From the types of wealth within the term *al-fay'an* are:

673 See *al-Lisān* (1/126).

"Whatever wealth that is seized from the polytheist as *jizyah*": As discussed earlier, *jizyah* is the wealth taken from the Majūs, Jews and Christians in return for the protection given to their lives and property. They are also given the freedom to practice their own faiths and they are allowed to reside in the Muslim land which is under the governance of a Muslim ruler. Allah says: **{Fight those who do not believe in Allah or in the Last Day and who do not consider unlawful what Allah and His Messenger have made unlawful and who do not adopt the religion of truth from those who were given the Scripture - [fight] until they give the *jizyah* willingly while they are humbled.}**[674]

Though the ayah mentions only the people of the scriptures—that is the Christians and the Jews—the Majūs (fire worshippers) also fall under this category. The Prophet ﷺ said, "Follow the same Sunnah with them that you follow with the people of the Book."[675]

Jizyah is taken from the Majūs as the Prophet ﷺ ordered it. He ﷺ took the *jizyah* from the Majūs of Hajar[676] (a village close to Madīnah where some Majūs lived). *Jizyah* was collected from them as they are similar to the people of the book in this regard. In fact, it has been recorded that a scripture was revealed to them and then removed. This is one type of *fay'an*.

"*Kharāj*": This is the second type. It is the tax imposed upon the land as was discussed earlier.

"*'Ushr*": This is the third type. It is the tax imposed upon the disbelievers for doing business and trading in the Muslim country. A tenth is charged on the transactions.

"Abandoned property": This is the fourth type. Property seized without a battle as the disbelievers abandoned it as they fled in fright when they heard of the impending war with Muslims. This is classified as *al-fay'an* and not *ghanīmah*.

674 Al-Tawbah: 29

675 Reported by Mālik in *al-Muwatta* (p. 187), al-Shāfi'ī in *Tartib al-Musnad* (2/130), Ibn Abī Shaybah in *al-Musanaf* (2/4335), and al-Bayhaqī in *al-Sunan* (9/189) from the narration of 'Abdul Rahmān ibn 'Awf.

676 Reported by al-Bukhārī (4/117), Ahmad (1/190), Abu Dawūd (3043), al-Tirmidhī (1586) from the narration of 'Abdul Rahmān ibn 'Awf.

"*Khumusu khumus* of *ghanīmah*": I.e. a fifth of the *ghanīmah*. This is the fifth type. We have discussed this type earlier. Allah says regarding it: **{And know that anything you obtain of war booty - then indeed, for Allah is one fifth of it and for the Messenger.}**[677] This should be portioned from the *fay'an*.

"*Fay'an* is to be spent on the welfare of the Muslims": All the various types of *fay'an* should be spent on the welfare of Muslims in general. Allah mentions *fay'an* saying: **{And what Allah restored to His Messenger from the people of the towns - it is for Allah and for the Messenger and for [his] near relatives and orphans and the [stranded] traveller - so that it will not be a perpetual distribution among the rich from among you. And whatever the Messenger has given you - take; and what he has forbidden you - refrain from. And fear Allah; indeed, Allah is severe in penalty. For the poor emigrants who were expelled from their homes and their properties, seeking bounty from Allah and [His] approval and supporting Allah and His Messenger, [there is also a share]. Those are the truthful.}**[678] This ayah refers to the Muhājirūn. Allah then says: **{And [there is a share for] those who came after them, saying, "Our Lord, forgive us and our brothers who preceded us in faith and put not in our hearts [any] resentment toward those who have believed. Our Lord, indeed You are Kind and Merciful."**[679] This ayah refers to those who came after the Ansār and Muhājirūn from the later generations. *Fay'an*—which Allah had made part of the state treasury—is to be distributed to these people. As for those who are dissatisfied with the Companions of the Prophet, curse and revile them, they do not deserve any part of *fay'an* as Allah has designated it exclusively for those who came after those mentioned above who say: **{"Our Lord, forgive us and our brothers who preceded us in faith and put not in our hearts [any] resentment toward those who have believed. Our Lord, indeed You are Kind and Merciful."}**[680] Those who curse the Companions of the Prophet and berate them as disbelievers have no share in the *fay'an*.

677 Al-Anfāl: 41

678 Al-Hashr: 7-8

679 Al-Hashr: 10

680 Al-Hashr: 10

باب عَقْد الذِّمَّة وأحكامها

CHAPTER: COVENANT WITH THE DHIMMI PEOPLE AND ITS REGULATIONS

متن لا يُعقد لغيرِ المجوس وأهلِ الكتابَيْن ومن تَبِعهم، ولا يَعْقدها إلا الإمامُ أو نائبُه

Covenant should be made with only the Majūs, the People of the Book and those who follow them. It should only be initiated by the *imām* or his deputy.

"Chapter: Covenant with the *Dhimmi* people and its Regulations": As the author discussed *jizyah* i.e. tax imposed on the wealth of the People of the Book and the Majūs (the *dhimmis*) in return for their safety and their residence in Muslim lands under the rule of Muslims earlier, he wants to elaborate now on who these *dhimmi* people are. *Al-dhimmah* means covenant.[681] Those with whom you made a covenant fall under your charge and responsibility.

"Covenant should be made with only the Majūs, the People of the Book and those who follow them": The most popular view held by the scholars[682] is that a covenant is to be made with only three groups of people: al-Majūs (fire worshippers) and the People of the Book (Jews and the Christians). Those who share the beliefs of these two groups of people fall into their category as well, even though they might not be a native of that belief. Those who are not Majūs but have similar beliefs of the Majūs, those who are not Jews but have similar beliefs of the Jews and those who are not Christians but have similar beliefs with the Christians—such as the Christian Arabs and Jews—are all

681 See *al-Qamūs al-Muhīt* (p. 1434).

682 See *al-Mughnī* (13/203).

eligible for the covenant with the Muslims and *jizyah* can be collected from them. This is because the essential matter is the religion held by these people and not their ethnic origin.

"It should only be initiated by the *imām* or his deputy": To make a covenant with these three groups of people is the sole purview of the *imām*. It is not for the laity to meddle in these affairs.

The *imām's* deputy may also make the covenant with the *dhimmis*. The deputies that he nominates as governors of Muslim lands or those he appoints as commanders in *jihād* may make covenants with the *dhimmis* provided that the *imām* gave his consent to do so.

متن ولا جِزْيةَ على صبي، ولا امرأةٍ، ولا عبدٍ، ولا فقيرٍ يَعْجز عنها، ومن صار أهلاً لها أُخذتْ منه في آخر الحَوْل

There is no *jizyah* imposed upon a child, woman, slave nor a needy person who cannot afford to pay it. It is to be collected from the eligible people at the end of the year.

"There is no *jizyah* imposed upon a child": *Jizyah* is collected from only those who can afford to pay it. This illustrates that Islam is fair and just. *Jizyah* is not collected from the child who has not attained puberty as he cannot afford to pay it.

"Woman": Due to her weakness. Furthermore, she is not a soldier who fights in the wars.

"Slave": As the slave does not possess anything for he is being supported by his master.

"Needy person": He does not possess any money and so the *jizyah* cannot be collected from him.

"It is to be collected from the eligible people at the end of the year": One's status in the beginning of the year should not be taken into consideration. One might be a considered a child in the beginning of the year and then attain puberty later, one may be poor but may become rich before the end of the year or

could be a slave and then free later on. Hence, *jizyah* is collected from people based on their status at the end of the year, not at the beginning of it.

متن ومتى بذلوا الواجبَ عليهم لزم قبولُه، وحرم قتالُهم

When the obligation is due on them, it should be accepted from them and they should not be fought.

"When the obligation is due on them": I.e. the payment of *jizyah* and *al-saghār*: **{Until they give the *jizyah* willingly while they are humbled.}**[683]

"It should be accepted from them and they should not be fought": It is obligatory for *jizyah* to be accepted from them and waging war against them is prohibited.

Al-saghār refers to the *dhimmis* who submit to the injunctions of Islam and abide by the laws of the Islamic state. Allah commands the Muslims to fight them until the following condition is met: **{Until they give the *jizyah* willingly while they are humbled.}** If they pay the *jizyah* and accept *al-saghār*, then it is obligatory upon the Muslims to accept their payment and they must refrain from fighting the *dhimmis* as they have paid in return for their safety. Waging war against those who have paid *jizyah* is forbidden for Muslims. The *dhimmis* have rights that equal that of the rights of Muslims. The Prophet ﷺ said, "Whoever kills a *mu'āhad* (one who has made a covenant with the Muslims) who has the protection of Allah and the protection of his Messenger, will not smell the fragrance of Paradise."[684]

متن ويمتهنون عند أَخْذِها، ويُطال وقوفُهم، وتُجَرُّ أيديهم

They should be in a state of humility when it is taken from them and they are made to stand for a long time while waiting to pay it. It is then taken from them.

The following is an explanation of *al-saghār*, **{Until they give the *jizyah* will-**

683 Al-Tawbah: 29

684 Reported by al-Tirmidhī (1403) and Ibn Mājah (2687) from the narration of Abu Hurairah. This hadīth has also been reported by Ahmad (5/36, 52) and al-Nasā'ī (8/25) from the narration of Abu Bakrah.

ingly while they are humbled.}[685]

"They should be in a state of humility when it is taken from them": The *dhimmis* should hand the payment in personally whilst in a state of humility. They are not to send their servants for its payment neither should they appoint someone else to make the payment on their behalf.

"They are made to stand for a long time while waiting to pay it": They are not allowed to make the payment as soon as they arrive. Instead, they are made to wait a long while to do so. This is to humble them.

"It is then taken from them": It is not taken from them in a gentle or pleasant manner. Instead it is taken from them in a manner that rebukes them for having disbelieved in Allah and for belying the Messenger of Allah. If these conditions are met, the *jizyah* is accepted from them [...].

These conditions are in accordance to the ayah: **{Until they give the *jizyah* willingly whilst they are humbled.}** This is because the *asl* is that they are to be fought for they disbelieved in Allah and His Messenger and remained unrepentant. The People of the Book know Muhammad is the Messenger of Allah. They know that the Qur'ān is the word of Allah. When they obstinately remained in disbelief and refused to follow Muhammad ﷺ, Allah lowered them with these conditions. They had denied and remained obstinate even after they had knowledge and understanding. Therefore, Allah punished them with this punishment in this world. That which is with Allah in the form of punishment in the Hereafter is much worse. They had disbelieved in Allah, the Messenger of Allah and the books of Allah. They defied the teachings found in these books whilst they were well aware that these teachings were the truth. These people are just a few from the large number that deserve punishment. The payment of *jizyah* makes manifest the high-esteem of Islam and its lofty status juxtaposed with the disgrace and humiliation of disbelief and those who follow it.

This approach is not a shortcoming in Islam. In fact, it is a sign of the strength of Islam and shame upon the enemies of Islam. This reveals great wisdom as they knew the truth but rejected it. They are some of those who deserve punishment in this world and the Hereafter. These conditions may motivate

685 Al-Tawbah: 29

them towards accepting the truth if they so desire, such that they regain their self-esteem and remove themselves from this. They return to the truth that they used to deny and believe in Allah and His Messenger. They refrain from that which Allah and His Messenger has forbidden and practice the *dīn* of truth until they are free of these conditions.

This treatment is a lighter punishment as compared to fighting them. Other disbelievers are fought whereas they are only expected to follow these conditions. This is to allow for self-retrospection so that they will accept the truth that they know yet deny. Thereafter, their dignity returns. It returns when they obey Allah and His Messenger. There are those who claim that, "Verily, this method is tyrannical upon the *dhimmis* and they have to sacrifice the money paid as *jizyah*." Our response is that they are the tyrants for they disbelieve in Allah and reject His commands. The conditions imposed upon them are fair and just. It is a form of punishment for their disbelief and obstinacy.

فصـــل
SECTION

متن

وَيَلْزم الإمامَ أخذُهُم بحكم الإسلام في النفسِ والمال والعرضِ، وإقامةِ الحدودِ عليهم فيما يعتقدون تَحْرِيمَه دون ما يعتقدون حِلَّه

The *dhimmis* are treated according to Islamic law by the *imām* with regards to life, wealth, and honour and *al-hudūd* is imposed upon them in that which they consider forbidden, not in that which they consider permissible.

"Section": This section elaborates upon the rights of the *dhimmis* that are obligatory upon the *imām* to fulfil with regards to Islamic law. This is because the *dhimmis* are duty bound to adhere to Islamic law. However, before this is legislated, it must be stated that the *dhimmis* and the disbelievers from the Jews, Christians and others should not be allowed to reside in the Arabian Peninsula. They must be expelled from it. The Prophet ﷺ ordered this to be done. He said, "Expel the Jews and the Christians from the Arabian Peninsula."[686]

He ﷺ also said, "Two religions must not co-exist in the Arabian Peninsula."[687] 'Umar ؓ removed them from the area when he was *caliph*, fulfilling the wishes of the Prophet ﷺ. The *dhimmis* should not be allowed to reside in the Arabian Peninsula as it is an Islamic peninsula. It is the land wherein revelation descended and from whence the light of Islam radiated throughout the world. Hence only Islam should prevail therein. Islam should not mix with other

686 Reported by al-Bukhārī (4/85, 120) and Muslim (5/75) from the narration of 'Abdullah ibn 'Abbās.

687 Reported by al-Bayhaqī in *al-Kubrā* (6/115) from the narration of Abu Hurairah and a similar hadīth was reported by al-Tabarānī in *al-Awsat* (1066) from the narration of 'Aishah.

religions in this peninsula. However, a peace treaty can be signed with them where they are allowed to reside in Muslim lands outside the boundaries of the Arabian Peninsula.

"The *dhimmis* are treated according to Islamic law by the *imām*": I.e. the *imām* of the Muslims. They are treated according to Islamic law as the peace treaty calls for it.

"To life": If they premeditate to kill and do so out of enmity, then *qiṣāṣ* is meted out just as it is meted out to a Muslim.

"Wealth": If it is stolen by them, the Islamic law pertaining to stealing is meted out. The thief's hand is severed just as a Muslim's hand is severed if he steals.

"Honour": If they falsely accuse that a Muslim has fornicated or has engaged in homosexuality, then the laws pertaining to false testimony are meted out to preserve the honour of the Muslims.

Al-ḥudūd is also imposed upon them. *Al-ḥudūd* is the punishment meted out for crimes in accordance to Islamic legislation as a deterrent against it being committed again.[688] The *ḥudūd* is imposed upon the *dhimmis* if they were to commit a crime that deserves it.

"In that which they consider forbidden": For example fornication. They consider it to be forbidden. Therefore, the punishment for fornication where the married fornicator is stoned and the unmarried fornicator is lashed should be meted out to them just as it is meted out to Muslims if they fornicate. The Prophet ﷺ meted out this punishment to the Jews who lived in Madīnah just as he did to the Muslims.[689] He ﷺ ordered the stoning of a Jewish couple who

688 See *al-Dar al-Naqī* (3/745).

689 Reported by al-Bukhārī (4/251), (6/46) and Muslim (5/121) from the narration of 'Abdullah ibn 'Umar who said, "A Jewish male and female were brought by the Jews to the Prophet ﷺ on a charge of committing illegal sexual intercourse. The Prophet ﷺ asked the Jews, 'What do you [usually] do with them?' They said, 'We blacken their faces and disgrace them.' The Prophet said, 'There is nothing in the Torah mentioning stoning?' They replied in the negative. 'Abdullah ibn Salām said, 'You have lied. Bring the Torah and recite it, if you are truthful.' They [brought it and] came and asked a man to recite. He went on reciting until he reached a portion on which he put his hand. It was said to him what is this [under the hand?] He lifted his hand up and there appeared the verse of *al-rajm* (stoning of the adulterers). Then it was ordered that the two

fornicated in Madīnah[690] both of whom were widowed.

"Not in that which they consider permissible": For example the marrying of a *mahram* relative that is practiced by the Majūs. They consider it permissible. Hence, *al-hudūd* is not imposed upon them for this act.

متن ويلزمُهم التميُّزُ عن المسلمين، ولهم ركوبُ غيرِ خيلٍ بغيرِ سُرُجٍ بِإِكَافٍ، ولا يجوزُ تصديرُهم في المجالس، ولا القيامُ لهم، ولا بداءتُهم بالسلام

They should be made to distinguish themselves from the Muslims. They are allowed to ride animals other than a horse mounted in a saddle but they may mount on a packsaddle. They are not given centre stage at any event and none should stand for them nor initiate greetings of peace to them.

"They should be made to distinguish themselves from Muslims": I.e. in their disposition, attire and mode of transport such that they can be easily identified as *dhimmis* and not mistaken for Muslims.

"They are allowed to ride animals other than a horse": For example a donkey, mule or camel. This is because the horse is exclusive for the Muslims. If a *dhimmi* rides a horse, he might be mistaken for a Muslim. Furthermore, they mount these animals on a packsaddle, not a saddle used to mount a horse. This is again to distinguish them from Muslims who ride these animals.

"They are not given centre stage at any event": It is not permissible to venerate them or hold them in high esteem. They are not allowed to be the guest of honour for an occasion—a honour set aside for respected Muslims of the community. Instead, the *dhimmis* should be seated at the back end of the audience.

"None should stand for them": When they enter the hall or designated venue of the event. This is because standing up is an act of admiration for them which is prohibited.

"Nor initiate greetings of peace to them": As the Prophet ﷺ forbade Muslims

sinners be stoned and, and they were stoned, and I saw the man protecting the woman from the stones."

690 Ibid.

from initiating the *salām* to the Jews and the Christians. He ﷺ said, "Do not initiate greetings of peace to the Jews and Christians. If they initiate a greeting of peace to you then say: 'And to you (*wa 'alaykum*).'"[691] Muslims are ordered to reply to their greeting with these words, "And to you." They are not to initiate greetings of peace to them. Muslims are only allowed to initiate greetings of peace to a fellow-Muslim [...]. This is a form of reprimand for their disbelief and their adamant steadfastness in their belief. Allah has disgraced them. Therefore they should not be venerated. This lofty mannerism is exclusive for Muslims and Muslims alone.

متن ويُمنعون من إحداثِ كنائسَ وبيعٍ وبناءِ ما انْهدَم منها ولو ظُلْماً، ومن تَعْلِيَةِ بُنيانٍ على مسلم، لا مساواته لـه، ومن إظهارِ خَمْرٍ وخِنْزيرٍ وناقوسٍ وجَهْرٍ بكتابِهم

The *dhimmis* are forbidden from building churches and monasteries. They are forbidden from restoring those which are dilapidated or forcibly torn down. Their houses should not be taller than those of the Muslims. Their houses may be equally tall however. They are forbidden from publicly consuming intoxicants and pork. Chiming of bells and the reading of their scriptures should not be done so publicly.

"The *dhimmis* are forbidden from building churches and monasteries. They are forbidden from restoring those which are dilapidated or forcibly torn down": The Jews and the Christians are allowed to keep their churches and monasteries that existed when the peace treaty was signed. However, they are not to restore them if they become dilapidated. They should leave it as it is until it becomes ruined so that churches gradually become non-existent in Muslim lands. They certainly should not build new ones in Muslim countries as these are houses of disbelief and *shirk*. Therefore churches are not allowed to be built in Muslim countries.

The prohibitions for the *dhimmis* are much less than those for the disbelievers with whom there is no treaty. How is it then that Christians are allowed to build churches in Muslim countries? Similarly monasteries—the place of

691 Reported by al-Bukhārī (8/71), Muslim (7/3) from the narration of Anas ﷺ with the wording, "If the People of the Book greet you with peace, reply with, "And to you." It was also reported by Muslim (7/5) from the narration of Abu Hurairah with the wording, "Do not initiate greetings of peace to the Jews and Christians. If you meet one of them on the street, force them to the narrow sides."

worship of the Jews—are allowed to function if they existed when the peace treaty was signed. However, the Jews must neither build new ones nor restore old ones or those which are torn down. These old ones should be allowed to be ruined such that monasteries cease to exist in the Muslim lands. Allowing it to be restored and refurbished will only serve to prolong its use in the Muslim lands.

If the churches were in existence when the treaty was signed, they are allowed to dilapidate and go into ruin such that it slowly is destroyed and becomes beyond use. How then are the Christians allowed to build churches in Muslim countries amidst houses resided by Muslims and besides *masjids*? This is only due to the ignorance of Islam or due to the failure to accord it enough importance.

"Their houses should not be taller than those of the Muslims. Their houses may be equally tall however": The houses of the *dhimmis* should not tower over the houses of the Muslims. For example, a Muslim has a house with one floor whilst his *dhimmi* neighbour has a house with two floors. This is not permitted for the Prophet ﷺ said, "Islam is always superior and should never be surpassed."[692] Their houses can be of the same height as the Muslim's houses however.

"They are forbidden from publicly consuming intoxicants and pork": The *dhimmis* are not allowed to commit sins publicly; that is, acts which are permitted and lawful for them. Examples would be consuming intoxicants publicly or the manufacture of alcohol. They should only do so privately in the confines of their homes. They are not allowed to eat pork in public. The Christians eat pork. However, they must not do so in restaurants or food outlets in the Muslim lands. They should not sell it publicly likewise. They should not sell or manufacture alcohol in Muslim countries even when they are regular drinkers of it and eat pork often. This must be done amongst themselves in such a manner that none can see them do so.

"Chiming of bells": They are also not to ring their church bells which are

692 Reported by al-Bukhārī with annotation (2/117) from the sayings of Ibn 'Abbās with a *mawqūf* chain of narration. It was also reported by al-Bayhaqī in *al-Sunan al-Kubrā* (6/205) and al-Dāraqutnī (3/252) from the narration of 'Aidh ibn 'Amr al-Muzanī.

sounded to invite others to come and worship in the church.[693] In Muslim countries, the bells must be placed within the church such that the ringing is heard within the church and not outside of it.

"And the reading of their scriptures": I.e. the Torah of the Jews and the Bible of the Christians (or what is also known as the Old and New Testaments) should not be read publicly. They are allowed to read amongst themselves and not read loudly such that it is heard beyond their premises like their churches, monasteries and their residences. They must be read quietly. They should not print these books in Muslim countries or have them on sale or for browsing in bookshops or libraries. Instead these should be banned in the public.

متن وإن تَهَوَّدَ نصرانيٌّ أو عكسه لم يُقَرَّ، ولم يُقْبَلْ منه إلا الإسلامُ أو دينُه

If a Christian converts to Judaism or vice versa, it is not recognised nor accepted officially. He is only allowed to embrace Islam or remain in the religion he was born into.

"If a Christian converts to Judaism or vice versa, it is not recognised": This is because his religion is stated in the peace treaty signed with the Muslims. Therefore a Jew should not convert to Christianity nor should a Christian convert to Judaism to avoid having discrepancies in the treaty.

"Nor accepted officially. He is only allowed to embrace Islam or remain in the religion he was born into": No conversion is accepted except the conversion to Islam as it is the *dīn* of truth. This is that which is preferred from him. If he fails to do so, he must remain in his original religion which he was upon when the treaty was signed.

693 See *al-Mu'jam al-Wasīt* (946).

فصـــل
SECTION

متن

وإن أَبى الذميُّ بَذْلَ الجزيةِ أو التزامَ أحكامِ الإسلام، أو تَعدَّى على مسلم بقتلٍ أو زنا، أو قطعِ طريقٍ، أو تجسسٍ، أو إيواءِ جاسوسٍ، أو ذَكَرَ اللهَ أو رسولَه أو كتابَهُ بسوءٍ انتقضَ عهدُه دونَ نسائِه وأولادِه، وحَلَّ دمُه ومالُه

If the *dhimmi* refuses to pay *jizyah*, abide by the laws of Islam, kills a Muslim out of enmity, fornicates, commits highway robbery, spies or acts as an accessory in spying or defames Allah, His Messenger or His Book, the treaty signed with him is nullified excluding his womenfolk and children. It becomes permissible to take his life and seize his wealth.

"Section": In this section, factors that nullify the peace treaty with the *dhimmi* are explained.

"If the *dhimmi* refuses to pay *jizyah*": Then the treaty is nullified. This is because it was stipulated in the treaty that he must pay the *jizyah* in humility. Allah says: **{Until they give the *jizyah* willingly while they are humbled.}**[694]

"Abide by the laws of Islam": That is, refuses to abide by the laws of Islam pertaining to life, wealth and honour—as was discussed earlier—then the treaty with him is rendered null and void. This is due to his contravention of the terms stipulated in the treaty.

"Kills a Muslim out of enmity, fornicates": He kills a Muslim in premeditation

694 Al-Tawbah: 29

or commits adultery with a Muslim woman. In these cases, the treaty with him is severed as these are forbidden acts in all religions. It infringes on the terms of the peace treaty, namely: that he must not spill the blood of a Muslim unlawfully or encroach upon his rights.

"Commits highway robbery": If they do so against Muslims by wielding weapons and obstructing those who pass through the route, or against the travellers by robbing them of their wealth. The treaty with these people is nullified as a result of their actions as it breaches the terms of the treaty with the Muslims.

"Spies": By acting as an informant to the disbelievers against the Muslims.[695] In this case it is permissible to execute the *dhimmi* as his spying is detrimental to the Muslims.

"Or acts as an accessory in spying": Even though he is not a spy himself, he aids a spy in his treason by offering help and protection to him against the Muslims. The peace treaty is nullified because of this action.

"Or defames Allah, His Messenger and His book": I.e. by cursing Allah, His Messenger ﷺ or the Qur'ān and if he resorts to defying the laws prescribed by Allah then the peace treaty with him is nullified and he is treated as a disbeliever with whom no peace treaty was signed.

If the *dhimmis* fall into any of the scenarios mentioned above, the treaty with them is nullified. However it excludes his womenfolk as they are not to be blamed for his wrongdoing. They shall retain their status as *dhimmis*. Hence, it is neither permissible to take their lives and that of their children nor seize their wealth for they are not at fault. It is merely the fault of he who contravened the peace treaty.

If the *dhimmi* commits any of the crimes mentioned previously, it is permissible to execute him. In fact it becomes mandatory to do so. His wealth is seized after his death due to his status as a *dhimmi*.

When the status of *dhimmah* is forfeited, he returns to being in a situation where his life and wealth is permissible for the Muslims. Regarding this the Prophet ﷺ said: "I was commanded to fight the people until they say, 'There is

695 See *Lisān al-'Arab* (6/38).

none worthy of worship except Allah.' If they say it, they safeguard their lives and wealth from me."[696] This is provided that they embrace Islam or sign a peace treaty with the Muslims and abide by Islamic law. Only then are their lives and wealth safeguarded by the treaty. If they violate it, they are returned to their original status as disbelievers whose life and wealth is permissible to the Muslims. These are not safeguarded unless a peace treaty is signed with the Muslims.

This is the end of the second volume. We will begin volume three with the Book of Transactions *inshallah*.

[Note: The Book of Food does not directly proceed the Book of Jihād in the text of *Zād al-Mustaqnī'*. It has been added here as an appendage to the main body of the book.]

696 Reported by al-Bukhārī (1/12) and Muslim (1/39) from the narration of 'Abdullah ibn 'Amr.

كـتاب الأطعمـة
THE BOOK OF FOOD

متن الأصلُ فيها الحِلُّ، فيباحُ كلُّ طاهرٍ لا مَضَرَّةَ فيه من حَبٍّ وثَمْرٍ وغيرِهما، ولا يَحِلُّ نَجِسٌ كالميتةِ والدمِ، ولا ما فيه مَضَرَّةٌ كالسمِّ ونحوه. وحيواناتُ البَرِّ مباحةٌ إلا الحُمُرَ الإنْسيَّة، وما لـه نابٌ يفترسُ به غيرَ الضَّبُعِ، كالأسدِ والنمرِ والذئبِ والفيلِ والفهدِ والكلبِ والخنزيرِ وابنِ آوى وابنِ عِرْس والسِّنَورِ والنِّمسِ والقِرْدِ والدُّبِّ، وما لـه مِخْلَبٌ من الطَّيرِ يصيدُ به: كالعُقابِ والبَازِي والصَّقْرِ والشَّاهينِ والباشِقِ والحِدَأةِ والبُومَةِ

Food is essentially permissible. Clean foods that are not harmful consisting of grains and fresh produce and others can be eaten. Things that are *najis* such as dead carcasses and blood are not permissible to be eaten. Similarly, that which is harmful like poison and the like should not be consumed. All land animals are permissible to be eaten except the donkey and animals that have tusks and canines which can tear flesh excluding the hyena. Examples are the elephant, lion, tiger, wolf, dog, pig, jackal, weasel, tomcat, ferret, monkey and bear. Birds that have talons which are used to hunt like the eagle, falcon, hawk, Indian falcon, sparrow hawk, kite and owl are not permissible to be eaten either.

"Book of Food": That is, explaining the different types of food that are permissible for consumption and those which are not. The word *al-at'imah* (plural of *ta'ām*) here refers to both foodstuff and drinks.

"Food is essentially permissible": As mentioned by Allah in the following ayah: **{It is He who created for you all of that which is on the earth.}**[697]

697 Al-Baqarah: 29

"Clean foods": As opposed to dirty food which is not permissible for consumption. Allah says: **{And makes lawful for them the good things and prohibits for them the evil.}**[698]

"That are not harmful": To protect oneself from consuming poisonous substances and other materials than can normally kill. Therefore food that is allowed must have two factors: (i) it must be clean and (ii) it must not be harmful.

"Consisting of grains and fresh produce and others": I.e. clean and nutritious types of food.

"Things that are *najis* such as dead carcasses and blood are not permissible to be eaten": This is because Allah says: **{Prohibited to you are dead animals and blood.}**[699]

"Similarly, that which is harmful like poison and the like should not be consumed": As mentioned in the ayah: **{And do not throw [yourselves] with your [own] hands into destruction.}**[700]

"All land animals are permissible to be eaten except the donkey": Based on the hadīth transmitted by Jābir ﷺ that the Prophet ﷺ forbade the consumption of donkey meat and allowed the consumption of horse meat on the day of Khaybar.[701]

"And animals that have tusks and canines which can tear flesh": To rip apart the prey. This is based on the hadīth transmitted by Th'alabah al-Khashanī who said, "The Messenger of Allah ﷺ forbade us from eating any predatory animal that had a canine or tusk."[702]

"Excluding the hyena": The hyena is permissible for consumption even though it tears flesh with its canine teeth. This is based on the hadīth transmitted by

698 Al-A'rāf: 157

699 Al-Mā'idah: 3

700 Al-Baqarah:195

701 Reported by al-Bukhārī (5/173), (7/123), Muslim (6/65), Ahmad (3/361, 385) and Abu Dawūd (3788).

702 Reported by al-Bukhārī (7/124, 181), Muslim (6/59, 60) and Ahmad (4/193, 194).

Jābir, "The Messenger of Allah ﷺ ordered us to eat the hyena."

"Examples are the elephant, lion, tiger, wolf, dog, pig, jackal, weasel, tomcat, ferret, monkey and bear": These are examples of animals with tusks and canine teeth which cannot be consumed based on the hadīth mentioned previously.

"Birds that have talons which are used to hunt": Based on the hadīth transmitted by Ibn 'Abbās: "The Messenger of Allah ﷺ forbade us from eating any predatory animal that has canine teeth and any bird that has talons."[703]

"Like the eagle, falcon, hawk, Indian falcon, sparrow hawk, kite and owl": These are examples of birds that have talons which are not permissible for consumption.

متن وما يأكلُ الجِيَفَ كالنَّسرِ والرَّخَمِ واللَّقْلَقِ والعَقْعَقِ والغُرابِ الأَبْقَعِ والغُدافِ، وهو أَسْوَدُ صغيرٌ أغْبَرُ، والغرابِ الأَسودِ الكبيرِ، وما يُستَخْبَثُ كالقُنْفُذِ والنِّيص والفأرةِ والحيةِ والحشراتِ كلِّها، والوَطْواطِ وما تولَّد من مأكولٍ وغيرِه كالبَغْلِ

And that which eats carrion like the vulture, stork, magpie and raven—a greyish black bird which is smaller than the crow—and those which are unpleasant like the hedgehog, porcupine, rat, snake, all insects, bat and an animal born from a type that can be consumed and an animal that cannot be consumed, such as the mule.

"And which eats carrion": This is in reference to the kinds of birds which are forbidden for consumption.

"And that which eats carrion like the vulture, stork, magpie and raven—a greyish black bird which is smaller than the crow": These are examples of birds that are forbidden for consumption as they feed on carrion. This prohibition is based on the hadīth where the Prophet ﷺ said, "Five things are *fawāsiq*:"[704] He went on to name the crow, which eats carrion. Hence, other carrion-eating birds are also not permissible for consumption.

703 Reported by Abu Dawūd (3803)

704 Reported by Muslim (4/17), Ahmad (6/97, 203), al-Tirmidhī (837) and Ibn Mājah (3087) from the narration of 'Aishah. the full form of the hadīth is, "Five *fawāsiq* should be killed in the sacred precinct or otherwise: the snake, spotted crow, rat, rabid dog and the kite."

"And those which are unpleasant like the hedgehog, porcupine, rat, snake, all insects, bat and an animal born from a type that can be consumed and an animal that cannot be consumed, such as the mule": These are all forbidden based on the verse: **{Prohibits for them the evil.}**[705]

A mule is cross-bred between a horse and a donkey. A predatory animal is cross-breed between a wolf and a hyena.

Benefits: The following land animals are forbidden for consumption:

First: Animals for which there is clear evidence for its prohibition, for example the donkey and the pig.

Second: All predatory animals that have canine teeth and tusks with which they pierce flesh.

Third: All birds that have talons that tear flesh.

Fourth: Carrion-eating animals.

Fifth: A cross-bred animal born between a consumable animal and another which is not.

The sixth category contains the rest of animals prescribed in the *Shāri'ah* to be killed or forbidden to be killed.

705 Al-A'rāf: 157

فصـــل

SECTION

متن وما عدا ذلك فحَلالٌ، كالخيلِ وبهيمةِ الأنعامِ والدَّجاجِ والوَحْشِيِّ من الحُمُرِ والبَقَرِ والظِّباءِ والنَعامَةِ والأرنبِ وسائرِ الوَحْشِ، ويباحُ حيوانُ البحرِ كلُّه، إلا الضِّفْدَعَ والتِّمْسَاحَ والحَيَّةَ. ومن اضْطُرَّ إلى مُحَرَّمٍ غيرِ السمِّ حَلَّ له منه ما يَسُدُّ رَمَقَهُ، ومن اضْطُرَّ إلى نَفْعِ مالِ الغيرِ مع بقاءِ عَيْنِه لدفعِ بَرْدٍ أو استقاءِ ماءٍ ونحوه وجَبَ بذلُه لـه مجَّاناً. ومن مَرَّ بثَمرٍ في بستانٍ في شجرِه، أو مُتساقِطٍ عنه ولا حائطَ عليه ولا ناظرَ فله الأكلُ منه مجَّاناً من غيرِ حَمْلٍ. وتجبُ ضِيافَةُ المسلمِ المجتازِ به في القُرَى يوماً وليلةً.

Apart from these, all other animals are *halāl* like the horse, grazing livestock, chicken, wild onager, cow, gazelle, ostrich, rabbit and all other wild animals. All sea animals can be consumed except the frog, crocodile and sea snake. If one is compelled to eat an animal which is not permissible for consumption, he may do so just to keep himself alive—except poisonous substances. He who is compelled to benefit from the property of someone else without much wear and tear so as to keep himself warm from the cold, collect rain water or the like, then the owner must allow him to benefit from it for free. He who comes across a garden with a fruit tree that is neither guarded nor fenced may pluck it from the tree or pick it up if it has fallen down and eat it for free. However he must not bring any fruit with him. It is *wājib* to host a Muslim guest who is travelling through villages for one day and one night.

"Section": This section gives further explanation regarding which animals are *halāl* and *haram*. It elaborates upon the rules for consuming *harām* when in a predicament. It also lays out the rules pertaining to hosting the guest.

"Apart from these": I.e. the animals that were mentioned earlier as *harām* for consumption.

"All other animals are *halāl*": As they maintain the essential aspect of food, which is permissibility.

"Like the horse": As the Prophet ﷺ allowed its meat to be eaten based on the *sahīh* hadīth that is *muttafaqun alayhi* (reported by al-Bukhārī and Muslim).[706]

"Grazing livestock": Consisting of camels, cows and sheep as Allah says: **{Lawful for you are the animals of grazing livestock.}**[707]

"Chicken, wild onager, cow": The cow being referenced to here is the wild type.

"Gazelle, ostrich": The ostrich is a bird that has physical similarities to a camel.

"Rabbit and all other wild animals": As they fall under the category of animals that are good for consumption as in the *ayah*: **{And makes lawful for them the good things and prohibits for them the evil.}**[708]

"All sea animals can be consumed": As mentioned by Allah in the *ayah*: **{Lawful to you is game from the sea.}**[709]

"Except the frog": As it is unpleasant. The Prophet ﷺ forbade its killing and using it as medicine.

"Crocodile": As it has teeth that rip flesh and they are man-eaters.

"And sea snake": As it is from the unpleasant animals.

"If one is compelled to eat an animal which is not permissible for consumption": One who fears that he will perish if he does not eat. An example is when

706 Reported by al-Bukhārī (5/173), (7/123) and Muslim (6/65) from the narration of Jābir which was referenced earlier.

707 Al-Mā'idah: 1

708 Al-A'rāf: 157

709 Al-Mā'idah: 96

he eats a dead carcass in starvation.

"He may do so": It is permissible for him in that critical scenario except for poisonous substances.

"Just to keep himself alive": To maintain his energy and avoid death. Allah says: **{But whoever is forced [by necessity], neither desiring [it] nor transgressing [its limit], there is no sin upon him.}**[710]

"Except poison": Poison is impermissible in all conditions.

"He who is compelled to benefit from the property of someone else without much wear and tear so as to keep himself warm from the cold": Like a shirt he wears to keep warm.

"Collect rain water": Using a rope or bucket to collect it so as to quench his thirst.

"Or the like": For example, an axe, pot, sieve or a pin.

"Then the owner must allow him to benefit from it for free": In view of his predicament without asking for any compensation. Allah rebukes those who refuse to do so with the words: **{And withhold [simple] assistance.}**[711]

"He who comes across a garden with a fruit tree that is neither guarded nor fenced may pluck it from the tree or pick it up if it has fallen down": There is no guard watching over it and it is not fenced.

"And eat it for free. However he must not bring any fruit with him": Three conditions must be satisfied:

First: The fruits must not have been gathered after harvest [by the owner.]

Second: The garden or orchard should not have a fence around its perimeter nor should there be a watchman guarding it.

710 Al-Baqarah: 173

711 Al-Ma'ūn: 7

<u>Third</u>: He should not bring any fruit with him when he walks away.

"It is *wājib* to host a Muslim guest who is travelling through villages for one day and one night": To host a guest is *wājib* when three criteria are met:

<u>First</u>: The guest must be a Muslim.

<u>Second</u>: Hosting the guest takes place in a non-urban setting.

<u>Third</u>: The duration is one day and one night.

باب الذكاة

CHAPTER: SLAUGHTER

متن لا يباحُ شيءٌ من الحيوانِ المقدورِ عليه بغيرِ ذكاةٍ، إلا الجرادَ والسمكَ وكلَّ ما لا يعيشُ إلا في الماء

No animal is permissible for consumption without slaughtering it when one has the ability to do so. Exceptions are locusts, fish and animals that live only in water.

"Chapter: Slaughter": Linguistically, *dhakāh* refers to completing a task. Slaughtering is so defined because the life of the slaughtered animal comes to an end completely. Allah says: **{Except what you [are able to] slaughter [before its death.]}**[712] *Dhakāh* is used to denote slaughter indefinitely.[713]

Dhakāh in terms of the *Shari'āh* means: sacrificing the animal whose meat is permissible for consumption, slaughtering the animal by cutting its throat and oesophagus or wounding the animal that cannot be slaughtered [due to its wild nature for instance.][714]

"No animal is permissible for consumption without slaughtering it when one has the ability to do so": This is the rule pertaining to slaughtering animals. Animals killed by other means are considered to be dead carcasses. Allah says:

712 Al-Mā'idah: 3

713 See *Lisān al-'Arab* (14/288).

714 See *al-Iqnā'* (4/315).

{Prohibited to you are dead animals.}[715] The wisdom behind prohibiting the consumption of the carcass is because its blood is retained in its body after death which is harmful for one's faith and health.

"Exceptions are locusts, fish and animals that live only in water": These can be eaten without slaughter. The Prophet ﷺ said, "Two [types of] carcass and two [types of] blood have been made permissible for us. As for the carcass, it is the fish and the locust. As for the blood, it is the liver and the spleen."[716]

متن **ويُشترطُ للذكاةِ أربعةُ شروط: أهليَّةُ المُذكِّي: بأن يكون عاقلاً مسلماً أو كتابياً ولو مراهِقاً، أو امرأةٌ أو أقلفَ أو أعمىَ، ولا تباحُ ذكاةُ سَكْرانٍ ومجنونٍ ووثَنيٍّ ومَجوسِيٍّ ومُرتَدٍّ.**

الثاني: الآلةُ، فتُباحُ الذَّكاةُ بكلِّ مُحَدَّدٍ ولو كان مغصوباً من حديدٍ وحجرٍ وقَصَبٍ وغيره، إلا السِّنَّ والظُّفْرَ.

الثالث: قَطْعُ الحُلقومِ والـمَرِيء، وذكاةُ ما عجز عنه من الصَّيدِ والنَعَمِ الـمُتوحشةِ والواقعةِ في بئرٍ ونحوِها بجرحِه في أيِّ موضعٍ كان من بَدَنِه ، إلَّا أن يكونَ رأسُه في الماءِ ونحوه فلا يباحُ.

الرابع: أن يقول عند الذَّبْحِ: بسم الله لا يُجزِئُه غيرُها، فإن تَركها سهواً أُبيحتْ لا عمدا

There are four conditions for slaughtering animals: Firstly, the slaughterer must be competent. That is, he must be sane, Muslim or from the People of the Book. A young boy, a woman, an uncircumcised man or a blind person cannot be the slaughterer. It is also not permissible for the slaughterer to be a drunkard, insane, polytheist, Magian or an apostate.

Secondly, the tool used to slaughter the animal, even if illegally possessed, must be sharp and can be made of metal, stone, reed or other materials except tooth and claw.

Thirdly, to sever the throat and oesophagus. If one is unable to do so for instance animals that are hunted, animals that are wild in nature or that which has fallen into a well, then these animals are wounded in any part of

715 Al-Mā'idah: 3

716 Reported by Ahmad (2/97), Ibn Mājah (2218), al-Dāraqutnī (1/271, 272) from the narration of 'Abdullah ibn 'Umar.

their bodies. However, animals that have their heads submerged in water and situations similar to it are not permissible.

Fourthly, to say, "*Bismillah*" when he is about to slaughter the animal. Any other utterance is impermissible. Forgetting to utter it is excusable and the meat is permissible but not when left out on purpose.

"There are four conditions for slaughtering animals: Firstly, the slaughterer must be competent. That is, he must be sane": As the insane will not know the purpose of the slaughtering. Hence, his slaughtering is not permissible as is the slaughtering of the drunkard and the child who lacks discernment.

"Muslim or from the People of the Book": As Allah says: **{And the food of those who were given the Scripture is lawful for you.}**[717] Al-Bukhārī said[718] that Ibn 'Abbās said, "Their food refers to meat from animals slaughtered by them."

"A young boy": I.e. one who has not attained puberty or the age of discernment.

"A woman, an uncircumcised man": As the condition requires him to be a Muslim and he must have gone through Islamic rites.

"Or a blind person": This is based upon the general proof, not a specific one.

"It is also not permissible for the slaughterer to be a drunkard, insane": Since they are unaware of the objective for slaughter.

"Polytheist, Magian or an apostate": As understood from the ayah: **{And the food of those who were given the Scripture is lawful for you.}**[719] The meat from animals slaughtered by disbelievers other than the People of the Book is *harām* for consumption.

"Secondly, the tool used to slaughter the animal, even if illegally possessed,

717 Al-Mā'idah: 5

718 *Sahīh al-Bukhārī* (7/120).

719 Al-Mā'idah: 5

must be sharp and can be made of metal, stone, reed or other materials except tooth and claw": I.e. a sharp tool made from any material that can cause blood to gush out. However, it must not be made from tooth or claw. The Prophet ﷺ said, "Eat what is slaughtered [with any instrument] that makes blood flow out, except what is slaughtered with a tooth or a claw."[720]

"Thirdly, to sever the throat and oesophagus": Food and drink is channelled through the latter while air is channelled through the former.

"If one is unable to do so for instance animals that are hunted, animals that are wild in nature or that which has fallen into a well, then these animals are wounded in any part of their bodies": The meaning of this is that it is not a criteria that these animals be severed at the oesophagus and throat based upon the hadīth narrated by Rāfi' who said, "A camel ran away and a man shot it with an arrow and killed it. The Messenger of Allah ﷺ said, 'Whenever an animal escapes, do likewise.'"[721]

"However, animals that have their heads submerged in water and situations similar to it are not permissible": If an animal is wounded during a hunt and it is found with its head submerged in water, then it could have died by drowning and not the wound. So erring on the side of caution, the animal is not permissible for consumption.

"Fourthly, to say": I.e. the slaughterer must say:

"*Bismillah*": As Allah says: **{And do not eat of that upon which the name of Allah has not been mentioned, for indeed, it is grave disobedience.}**[722] The wisdom behind saying *al-tasmiyah* upon the animal is to purify it with the remembrance of Allah and to expel Shaytān away from it. If it is not said, Shaytān has an evil influence upon the slaughterer and the slaughtered.

"When he is about to slaughter the animal": Just before he moves his hand to carry out the action.

720 Reported by al-Bukhārī (3/185), (7/119, 120), Muslim (6/78), Abu Dawūd (2821), al-Tirmidhī (1491), al-Nasā'ī (7/228) and Ibn Mājah (3178) from the narration of Rāfi' ibn Khadīj.

721 Reported by al-Bukhārī (3/185), (7/119), Muslim (6/78), Abu Dawūd (2821), al-Tirmidhī (1492), al-Nasā'ī (7/228), Ibn Mājah (3173) and Ahmad (3/463).

722 Al-An'ām: 121

"Any other utterance is impermissible": That is, any other form of *dhikr* to replace "*Bismillah*", for example the utterances "*Alhamdulillah*" or "*Subhānallah*" are not allowed. Likewise saying "*Bismi al-khāliq* [or] *al-rāziq*" is not permitted for *tasmiyah* requires that one say "*bismillah*".

"Forgetting to utter it is excusable and the meat is permissible": That is, he forgets to utter the *tasmiyah* when slaughtering. The meat is permissible for consumption as the Prophet ﷺ said, "An animal slaughtered by a Muslim is *halāl* even if *tasmiyah* is not uttered as long as the omission is not purposeful."[723]

"But not when left out on purpose": If *tasmiyah* is not uttered purposefully, then the meat of the animal is *harām* for consumption as Allah says: **{And do not eat of that upon which the name of Allah has not been mentioned.}**[724]

متن ويكره أن يَذبحَ بآلةٍ كالَّةٍ، وأن يحدَّها والحيوانُ يبصرُه، وأن يُوجهَهُ إلى غيرِ القبلةِ، وأن يَكْسرَ عُنقه أو يسلخَه قبل أن يَبْرُدَ.

It is disliked to slaughter with a blunt tool, to sharpen the tool while the animal sees it and to place the animal in a direction other than the *qiblah*. It is also disliked to sever its neck completely and to skin it before its body turns cold.

"It is disliked to slaughter with a blunt tool": So that the animal is not tortured to death. This is based on the hadīth, "Verily Allah has prescribed *ihsān* (proficiency, perfection) in all things. So if you kill then kill well; and if you slaughter, then slaughter well. Let each one of you sharpen his blade and let him spare suffering to the animal he slaughters.[725]

"To sharpen the tool while the animal sees it": It is disliked that one does it in full view of the animal that he intends to slaughter. Ibn 'Umar ﷺ said, "Verily, the Messenger of Allah ﷺ commanded that the blade should be sharpened and hidden from the animals."[726]

723 Reported by Abu Dawūd in *al-Marāsil* (378) and al-Bayhaqī (9/240).

724 Al-An'ām: 121

725 Reported by Ahmad (4/123-125), Muslim (6/72), al-Nasā'ī (7/227, 230) and Ibn Mājah (3170) from the narration of Shadād ibn Aws.

726 Reported by Ahmad (2/108) and Ibn Mājah (3172)

"And to place the animal in a direction other than the *qiblah*": It is disliked to do so as it is contrary to the Sunnah; be it when calling the *adhān* or other acts of a similar nature. Slaughter is an act of obedience similar to *al-udhiyah*.

"It is also disliked to sever its neck completely": That is, the animal should not be beheaded before it dies as this is tantamount to torture.

"And to skin it before its body turns cold": That is, before it dies. This is based on the hadīth narrated by Abu Hurayrah who said, "The Messenger of Allah ﷺ sent Budayl ibn Waraqāh al-Khazā'ī riding upon a camel shouting through the paths between the mountains of Mina with the words: "Do not hasten to do anything with the body before it dies."[727]

727 Reported by al-Dāraqutnī (4/283)

Appendix

Risālat Latīfatun Jāmi'atun fī Usūl al-Fiqh al-Muhima

مقدمة الرسالة

Introduction to the Treatise[728]

All praise to Allah. We praise Him for what He possesses from His beautiful Names and lofty and perfect Attributes; and for His Judgment and Decree which encompasses everything that exists, and for His prescribed laws which encompass every field of legislation; and His Judgment through which he recompenses: rewarding those who perform good deeds (*al-muhsinīn*), and punishing the criminals (*al-mujirimīn*).

I testify that there is no deity worthy of being worshipped except Allah alone, who has no partner in His Names, Attributes, worship or Judgment. And I testify that Muhammad is His slave and messenger, who clarified the judgments and the rulings, made clear the *halāl* (lawful) and the *harām* (prohibited), and established the fundamentals and expounded upon them—until the Religion was completed and firmly grounded. O Allah send your blessings and peace upon Muhammad, and upon his family, his Companions and those that follow them, particularly the people of knowledge.

To proceed: This is a brief and light essay concerning *usūl al-fiqh* (fundamentals of jurisprudence), easy in its wording, clear in its meaning, and useful in learning the rulings for whosoever reflects over its meanings. We ask Allah that He benefits the compiler and the reader. Indeed He is the Most Generous.

---

728 This translation is based on an existing translation of this brief text that is widely spread on the internet. It has been edited and corrected based on the original Arabic.

فصل
Section

Usūl al-Fiqh: It is the branch of knowledge concerning the comprehensive evidences of *fiqh*. Since *fiqh* consists of either *masā'il* (issues) of which the ruling (*hukm*) by one of the five rulings (*ahkām*) is sought, or the *dalā'il* (evidences) upon which we extract these *masā'il* (issues).

Thus *fiqh* is actually the knowledge of *masā'il* (issues) and *dalā'il* (evidences). These *dalā'il* (evidences) fall into two categories:

1. Comprehensive evidences (*kullayyatun*) that encompass every ruling of a single kind, from the beginning of *fiqh* to its end. An example being us saying, "*Al-amr lil-wujūb*" (the command indicates obligation). Likewise, "*An-nahī lit-tahrīm*" (the forbiddance indicates prohibition), and there are further examples we could bring similar to these two. These are from *usūl al-fiqh*.
2. Detailed evidences (*tafsīliyyatun*) that are to be understood in the light of the comprehensive evidences. When this task is completed, then the *ahkām* (rulings) can be derived. [We can see that] the *ahkām* (rulings) are dependent upon the detailed evidences, and the detailed evidences are themselves dependent upon comprehensive evidences.

Thus we can see the need and the requirement of understanding the foundations of *fiqh*, and that it aids in the understanding of *fiqh*, and that it is the foundation for inference and performing *ijtihād* in the *ahkām* (rulings).

فصل
Section

The *ahkām* (rulings) upon which *fiqh* revolves around are five:

1. *Wājib* (obligation, normally translated in the main text as obligatory or mandatory): the one who performs it is rewarded whilst the one who leaves it is punished.
2. *Harām* (prohibition): this is the opposite of *wājib*.

3. *Masnūn* (recommended, also referred to as Sunnah, *mustahabb*, *sunan*, *mandūb*): the one who performs it is rewarded and the one who leaves it is not punished.

4. *Makrūh* (disliked): this is the opposite of a *masnūn*.

5. *Mubāh* (permissible): where leaving and performing it are equal.

The *wājib* (mandatory) is divided into two categories:

(i) *Fard 'ayn* (individual obligation), the performance of this is sought from every *mukallaf* (responsible), *bāligh* (mature) *'āqil* (sane) individual. The majority of the *wājib Sharī'ah* rulings fall under this category.

(ii) *Fard kifāyah* (collective obligation), the performance of which is sought from the *mukallifīn* collectively, but not from every individual specifically. Examples being: the learning of beneficial knowledge and professions, the *adhān*, the commanding of good and forbidding of evil; and other similar matters.

These five rulings differ widely in accordance with the matter's state, its levels and its effects. Thus, whatever consists purely or predominantly of *maslaha* (benefit), then the Lawgiver has commanded its performance through an obligation or a recommendation. Whatever consists purely or predominantly of *mafsadah* (harm), then the Lawgiver has prohibited its performance through complete prohibition or making it disliked.

Thus this *asl* (fundamental principle) encompasses all the commands and prohibitions [in the *Sharī'ah*].

As for the *mubāhāt* (permissible acts) which the Shāri' (lawgiver) has permitted: at times they lead to good, and so they are attached to these matters which have been commanded. Likewise on other occasions they may lead to that which is evil, and so they become attached to those matters which are prohibited.

Thus arises a great *asl*, "*Anna al-wasā'ila lahā ahkām al-maqāsid.*" (The ruling of the means is that of its aim.) From this we learn that:

"*Mā la yatimmu al-wājib illā bihi, fahuwa wājib.*" (Whatever the fulfilment of

a *wājib* act depends upon is itself an obligation.)

"*Mā la yatimmu al-masnūn illā bihi, fahuwa masnūn.*" (Whatever the fulfilment of a *masnūn* act depends upon is itself recommended.)

"*Mā la yatimmu al-masnūn illā bihi, fahuwa masnūn.*" (Whatever the fulfilment of a *masnūn* act depends upon is itself recommended.)

"*Mā yatawaqqafu al-harāmu 'alayhi, fa huwa haram.*" (Whatever haram depends upon is itself prohibited.)

"*Wasā'ilu al-makrūh, makrūhatun.*" (That which leads to the *makrūh* is itself disliked.)

فصل

Section

The *adillah* (evidences) that *fiqh* is derived from are four:

The Book and the Sunnah, and these two are the foundation upon which the *mukallafūn* (the morally responsible) are addressed, and upon which their religion is built. Then *ijmā'* (consensus) and *al-qiyās al-sahīh* (sound analogy), these two are inferred from the Kitāb and the Sunnah.

Thus *fiqh*—from its beginning to its end—does not leave the dependence upon these four *usūl* (fundamentals). The majority of the important *ahkām* are brought forth by these four *adillah* (evidences). They are indicated to by the *nusūs* from the Kitāb and the Sunnah, the scholars have *ijmā'* upon them, and they are indicated to by *qiyās al-sahīh* (sound and correct analogy) because of their beneficial attributes, if it is a command, or their harmful attributes, if it is something forbidden.

Only a small number of the *ahkām* have been differed over by the scholars. The closest of them to the correct view are those who correctly refer back to the four *usūl*.



Section

As for the Kitāb: It is the Qur'ān al-Azīm, the Kalām (Speech) of the Lord of the worlds. It was sent down by the Rūh al-Amīn upon the heart of Muhammad, the Messenger of Allah ﷺ. This was to facilitate him in being the warner to the whole of mankind—in the clear Arabic language—regarding all the necessary matters that entail benefit to them in their religious affairs and worldly affairs. [The Qur'ān] is that which is recited by the tongues, written in the *mus-hafs*, and preserved in the chests. It is that which: **{Falsehood cannot approach it from before it or from behind it; [it is] a revelation from a [Lord who is] Wise and Praiseworthy.}**[729]

As for the Sunnah: It is the Prophet's ﷺ sayings, actions, and his approval of the sayings and actions of others.

The *Sharī'ah* rulings are sometimes taken from a text found in the Book and the Sunnah. It is a text possessing a clear meaning, without any other meaning besides this. Sometimes it is based upon the *zāhir* (apparent) meaning [of the text]. It indicates towards the ruling, in a general manner, both through wording and meaning. Sometimes it is based upon the *mantūq* (literal meaning). It indicates towards the ruling through its wording. Sometimes it is based upon the *mafhūm* (implied meaning). It indicates towards the ruling due to being in agreement with the text—where the *mafhūm* is equal to or stronger than the *mantūq*. Or by a conflicting meaning if the *mafhūm* differs from the *mantūq* in its ruling. This is because the *mantūq* (literal meaning) is linked to an attribute or condition, and the absence of these causes the ruling to change.

The *dalālah* (indications) in the Kitāb and the Sunnah are of three types:

(i) *Dalālah mutābaqah*: This is where we apply the wording to indicate all of its meanings. (ii) *Dalālah tadammun*: Where we apply the wording in order to indicate one of its meaning. [iii] *Dalālah iltizām*: Where we apply the wording of the Kitāb and the Sunnah to indicate the meaning which follows as a consequence of it, which completes it, and what the issue being judged or spoken about cannot be finalised except by it.



Section

729 Fussilat: 42

The *asl* relating to commands in the Kitāb and the Sunnah is that they indicate towards obligation, except if there is evidence indicating that it is recommended or *mubāh*. The *asl* relating to prohibitions [in the Kitāb and the Sunnah] is that they indicate towards forbiddance, except if there is an evidence indicating that it is *makrūh*. The *asl* relating to *kalām* (speech) is that it is to be taken upon its *haqīqah* (literal meaning). So it is not to be altered and taken upon the *majāz* (metaphorical)—if we accept this—except when the use of the *haqīqah* is not possible.

Al-Haqā'iq (literal meanings) are of three types: (i) *Shar'iyyah* (defined by the *Sharī'ah*), [ii] *Lughawiyyah* (defined by language) and [iii] *'Urfiyyah* (defined by custom).

So whatever ruling the *Shārī'* has designated, it is obligatory to return it to the definition legislated by the *Sharī'ah*. However in matters where the *Shārī'* has ruled but not defined and sufficed with its apparent linguistic meaning, then it is obligatory to return it to its linguistic meaning. And that which is not defined—neither in the *Sharī'ah*, nor in the language—then it is obligatory to refer it back to the habits of the people, and their customary usage (*'urf*). The *Shārī'* may declare the return of these matters to the *'urf*. Examples of this are matters such as commanding the good, living well with one's wife, and other similar matters.

So memorise these *usūl* as the *faqīh* stands in need of them in all of his interactions with *fiqh*.

فصل
Section

From the texts of the Kitāb and the Sunnah are those which are *'ām* (general), which is defined as that word which is inclusive of many categories, types or individuals. The majority of the texts are of this nature.

From the texts are the *khās* (specific), which indicate towards only some categories, types and individuals. When there is no conflict between the *'ām* and the *khās* texts, then each of them are acted upon [independently]. However, if it is deemed that a conflict has arisen, then the *'ām* is specified by the *khās*.

From them are those which are *mutlaq* (absolute) and *muqayyad* (restricted). It is restricted by a description or a reliable restriction. Thus, the *mutlaq* is restricted by the *muqayyad.*

And from the texts are the *mujmal* (obscure) and *mubayyan* (explicit). Whatever the Shāri' has made obscure in one place, yet made it comprehensive in another, then it is obligatory to return to what the Shāri' made *mubayyan* (explicit). Many of the rulings in the Qur'ān are *mujmal* in nature, but have been comprehensively explained in the Sunnah. So it is obligatory to return to the *bayān* (explicit clarification) of the Messenger of Allah ﷺ as he is the clear explainer from Allah.

Similar to this are the texts that are *muhkam* (singular in meaning) and those that are *mutashābih* (open to more than one meaning). It is *wājib* to understand the *mutashābih* in the light of those texts that are *muhkam.*

Amongst the texts are the *nāsikh* (abrogating) and the *mansūkh* (abrogated) The abrogated texts in the Qur'ān and the Sunnah are few in number. Whenever it is possible to harmonise two texts, with the possibility of each one being acted upon in its own circumstance, then it is *wājib* to do so. One may not turn to abrogation, except with a text from the Shāri', or an apparent contradiction between two authentic texts concerning which there is no possible way to resolve this contradiction such that each text is acted upon in its own circumstance. In this case, the later text abrogates the earlier one. However, if it is impossible to determine which is the earlier text and which is the later, we then turn to other means of *tarjīh* (deciding which text is preferential). For example, if it appears that there is a contradiction between the Prophet's ﷺ statement and his action, then precedence is given to his saying. This is because his statement represents either a command or a prohibition to his Ummah, whereas his action is, in this case, interpreted to be something particular to him alone.

So the *khasā'is* (particular and unique rulings) pertaining to the Prophet ﷺ are actually based upon this *asl.* Likewise, anything he ﷺ performed from worship in which he did not give a command—according to the correct view—it is considered to be *mustahabb.* Anything he ﷺ performed as a habit is considered to be *mubāh.* Whatever he ﷺ permitted from speech and actions is given the ruling as *mubāh* or other than it, depending upon the specific manner in which it was permitted.

فصل
SECTION

As for *ijmā'*: it is the agreement of the *mujtahid* scholars upon the ruling of a new matter. Whenever we have certainty regarding their *ijmā'*, it is *wājib* to turn to it, and it is not lawful to oppose it. It is required for the *ijmā'* to be grounded in the evidences from the Kitāb and the Sunnah.

As for *qiyās al-sahīh*: it is an annex, joining a subsidiary branch with its root, due to a common *'illah* (reason) between them. Thus whenever the Shāri' dictates a matter or describes it with a particular characteristic, or the scholars interpret that the ruling has been legislated because of that particular characteristic—if that characteristic is found to exist in another issue which the Shāri' has not legislated any particular ruling for, without their being a difference between it and the *nusūs* (texts)—then it is *wājib* to link the two in their ruling. This is because al-Shāri' al-Hakīm (the Most Wise Lawgiver) does not differentiate between matters equivalent in their characteristics, just as He does not join between opposing matters.

This sound *qiyās* is the Mīzān (the Balance) which Allah sent down. And it is inclusive of justice, and it is that by which justice is recognised. *Qiyās* is only resorted to when there exists no text. So this *asl* is turned to when there exists no other source. And *qiyās* corroborates with the text. Thus, all that the Shāri has ruled regarding in the texts is in agreement with *qiyās* and not in opposition to it.

فصل
SECTION

The *usūliyūn* (scholars of *usūl*) have derived many *usūl* from the Kitāb and the Sunnah, upon which they have built many rulings; by which they have benefited themselves and benefited others. Amongst these *usūl* are:

"*Al-yaqīn lā yazūlu bish-shakk.*" (Certainty is not invalidated by doubt.) Under this principle there have entered many acts of worship, *mu'āmalāt* (social interactions) and *huqūq* (rights). The one who suffers a doubt in any of these, he should return to the *asl* of certainty. They also say, "*Al-aslu at-tahārahtu fī kulli shay.*" (The basis concerning all things is that they are pure.) And, "*al-aslu*

al-ibāhahtu illā mā dalla ad-dalīlu 'alā najāsatihi aw tahrīmihi." (The *asl* is permissibility except when there exists evidence indicating its impurity or prohibition.) And, "*Al-aslu barā'atu adh-dhamami min al-wājibāt, wa min huqūq al-khalqi hattā yaqūma ad-dalīlu 'alā khilāfi dhalika.*" (The *asl* is freedom from accountability concerning obligation and from rights towards the creation, until a proof is established to the contrary.) And, "*Al-asl baqā'u mā ishtaghalat bihi adh-dhamamu min huqūqillahi wa huqūq 'ibādihi hatā yatayaqqana al-barā'ata wal-adā'a.*" (The *asl* is the continuation of accountability concerning the obligations to Allah, and to His servants, until there is certain proof of freedom and discharge.)

And from them is that, "*Al-mashaqqata tajlubu al-taysīr.*" (Difficulty brings about ease.) Based upon this are all the *rukhas* (concessions) allowed during a journey, and *takhfīf* (lightening) of acts of worship, *mu'āmalāt* and other matters.

And from them is the saying: "*Lā wājib ma' al-'ajzi, wa lā muharram ma'ad-darūrah*" (There is no obligation with inability, nor is there any prohibition with necessity.)

The Shāri' has not made *wājib* upon us what we are incapable of doing in totality. Whatever the *Shāri'* has made obligatory but the servant is incapable of performing, that obligation is discharged. However if the servant is capable of performing a part of it, then it is required for him to fulfil what he is capable of, whilst the part he is incapable of is dropped. There are many examples of this. Likewise, whatever the creation are in need of, then it has not been made *harām* to them. As for the *khabā'ith* (evil matters), which have been made *harām*, then if the servant is forced into it, then there is no sin upon him. This is because *darūrah* (necessity) allows those matters which are fixed with prohibition. And *darūrah* is measured by its need in order to lessen the evil. *Darūrah* permits the use of what is normally forbidden from food, drinks, clothing etc.

And from them, "*Al-umūru bi maqāsidihā.*" (Matters are judged by their purposes.) '*Ibādāt* and *mu'āmalāt* fall under this principle. Likewise, the prohibition of employing forbidden *hiyal* (stratagem) is derived from this *asl*. Directing those words which are *kināyāt* (vague) to be *sarīh* (clear and equivocal) is based upon this *asl*. Its types are numerous.

And from them, "*Yakhtāru a'lā al-maslahatayn, wa yartakibu akhaffa al-mufsadatayn 'inda al-tazāhum.*" (Choose the higher of the two benefits, or incur the lesser of the two harms when burdened with them both.) Upon this great *asl* many issues are built. When the benefit and harm are both equal then averting harm takes precedence over procuring benefits.

And from them is, "*Lā tutimmu al-ahkām illā bi wujūdi shurūtihā wa intifā'mawāni'ihā.*" (Rulings are not complete except with the presence of their conditions and the negation of their impediments.) This is a tremendous principle, and built upon it—from the issues, rulings and other matters—are many things. When there is an absence of a *shart* (condition) for *'ibādāt*, *mu'āmālāt*, or establishment of rights, then it is not correct, nor is it established. Likewise, if its impediments are present, then it is not correct, nor is it valid.

The *shurūt* (conditions) for *'ibādāt* and *mu'āmalāt* are: all those matters upon which the validity of such *'ibādāt* and *mu'āmalāt* rest. And these *shurūt* are known through detailed analysis of the *Sharī'ah*. Through investigating this *asl*, the *fuqahā* calculated the *farā'id* (obligations) of the various *'ibādāt*, and their *shurūt* (conditions). Likewise, by it they were able to determine the *shurūt* and *mawāni'* (impediments) for the *mu'āmalāt*. As for *al-hasr*: it is establishing a ruling for something, whilst negating it from something else. Through the utilisation of *hasr* the *fuqahā* are able to determine the *shurūt* of various things and matters, and that which falls outside of them, then the ruling is not affirmed.

And from them is their saying, "*Al-hukm yuduru ma' 'illatihi thabūtan wa 'adaman.*" (The ruling revolves around its reason in both affirmation and negation.) So when the *'illal at-tāmah* (complete reason)—that is known as what the *Sharī'ah* has linked the ruling to—is present, then the ruling is present. When it is absent, then the ruling is not established.

And from them is their saying, "*Al-aslu fī al-'ibādāti: al-hazru, illā mā warada 'an ash-shāri' tashrī'uhu, wa al-aslu fī al-'ādāt al-ibāhā, illā mā warada 'an al-shāri' tahrīmuhu.*" (The *asl* concerning acts of worship is prohibition, except what is related from the Shāri' regarding it being legislated, and the *asl* regarding customs and habits is permissibility, except what is related from the Shāri' regarding its forbiddance.) This is because *ibādah* (worship) is what the Shāri' has prescribed, either as something *wājib* or *mustahabb*. Thus, whatever

is outside of this is not considered to be an act of worship. And because Allah created for us all that is upon the earth, so that we may benefit from all things and utilise them, except those things that the Shāri' made *harām* for us.

From them, "*Idhā wujidat asbāb al-'ibādāt wa al-huqūq: thabatat wa wajabat illā idhā qāranahā al-māni'*." (If the reason for acts of worship and *huqūq* are present, they are confirmed and obligatory, except if it is connected with a prevention.)

And from them, "*Al-wājibātu talzamu al-mukallafīn*." (Obligations are binding upon the morally responsible.) *Al-taklīf* (moral responsibility) is attained with *al-bulūgh* (attainment of maturity) and *al-'aql* (sanity). Compensation for damages becomes *wājib* upon the *makallafīn* and others. Whenever a person reaches maturity and is sane, those general obligations of worship become required from him to perform. And those specific obligations of worship also become required from him, providing he possesses the qualities which necessitate them. The *nāsī* (forgetful) and the *jāhil* (ignorant one) are not held responsible from the point of view of sinning, but not from the point of view of compensating for damages.

فصل
Section

The statement of a single Companion—defined as anyone who met the Prophet ﷺ, having *imān* and dying upon *imān*—if it became widespread and was not objected to, instead being affirmed by the Companions, then it is a form of *ijmā'*. If it is not known to have become widespread, nor is there known to be anything in opposition to it, then according to the most correct opinion, it is an authentic *hujjah* (proof). However, if other Companions have disagreed or contradicted it, then it is not a *hujjah*.

فصل
Section [General Principles]

An *amr* (command) for something, entails a *nahī* (prohibition) for its opposite. And a prohibition of something entails a command for its opposite. A prohibition of something necessitates that matter to be null and void, except if there is a *dalīl* (evidence) indicative of its validity. And a command which

follows a prohibition returns it to what it was prior to this. And both an *amr* and a *nahī* necessitate immediate compliance. However they do not require repetition, except when linked to a specific *sabab* (cause). So it becomes *wājib* or *mustahabb* to comply whenever that *sabab* (cause) exists.

Matters in which choice is given are of varying types: If the choice was given with the aim of facilitating ease to the *makallaf*, then the choice is desirable and preferred. If the choice was given to achieve a particular *maslahah* (benefit), then choosing that which brings a greater benefit is *wājib*.

"*Al-'ibrahtu bi 'umūmi al-lafz, lā bi khusūsi al-sabab.*" (The lesson is in the generality of the wording, not in its specific cause.)

The *khās* (specific) can mean the *'ām* (general) and vice versa, providing the existence of *qarā'in* (signs) are indicative of this.

The *khitāb* (address) of the Shāri' to any one of the Ummah, or His Speech in any specific issue, actually includes all the Ummah, and all the specific issues, unless there is an evidence indicating that it is *khās* (specific).

The *asl* concerning the actions of the Prophet ﷺ is that his Ummah is to take him an example to follow except when there exists an evidence indicating specificity to him.

If the Shāri' negates an act of worship or *mu'āmalāt*, then this indicates that it is invalid, or it is a negation of some necessary aspect of it. In this case the negation does not totally negate some of the recommended parts of it.

Contracts are bound or cancelled by whatever indicates this, from statements and actions.

Masā'il (issues) are of two types: [i] Where there is *ijmā'*. So here it is required to gather and to establish the evidence upon it, then to rule accordingly, after gathering and deducing. [ii] Where there is *khilāf*. So here it is required to reply to the evidence of the differing opinions. This is the right of the *mujtahid* (the one capable of employing *ijtihād*) and the *mustadil* (the one able to employ inference). As for the *muqallid* (blind follower), his duty is to ask the people of knowledge.

And *taqlīd* is the acceptance of the saying of someone else without proof. The one capable of inference, it is upon him to exercise *ijtihād* and *istidlāl*. As for the one who is incapable, then it is upon him to make *taqlīd* and ask, as Allah has mentioned regarding both matters: **{Ask the People of Knowledge if you do not know.}**[730] And Allah knows best.

May Allah extol and send the blessings of peace upon Muhammad the Messenger of Allah, and upon his family, Companions and followers.

730 Anbiyah: 7